

## Miscellaneous Medical Professional Liability Application

**THE APPLICANT IS APPLYING FOR A CLAIMS-MADE POLICY, WHICH IF ISSUED, APPLIES ONLY TO CLAIMS FIRST MADE DURING THE POLICY PERIOD. THE LIMIT OF INSURANCE AVAILABLE TO PAY DAMAGES, SETTLEMENTS OR JUDGMENTS WILL BE REDUCED AND MAY BE EXHAUSTED BY THE PAYMENT OF CLAIM EXPENSES.**

**NOTE: NOTHING IN THIS APPLICATION SHOULD BE INTERPRETED TO MEAN THAT COVERAGE WILL BE OFFERED OR THAT ANY ITEMS REFERENCED IN QUESTIONS OR ANSWERS TO QUESTIONS WILL BE COVERED EVEN IF COVERAGE IS OFFERED AND BOUND. SOME RESPONSES MAY REQUIRE MORE SPACE THAN THAT PROVIDED IN THE APPLICATION ITSELF. PLEASE PROVIDE THOSE RESPONSES ON A SEPARATE PAGE AND ATTACH IT TO THIS APPLICATION.**

### I. APPLICANT INFORMATION

1.1	Proposed <b>First Named Insured</b> (This is how the name & address of the Insured will read on the Declarations Page if coverage is Bound.):		
	Name:		
	Address:		
	City, State, Zip:		
	County:		
	Phone:		
1.2	Website Address(es):		
1.3	Date Established:		
1.4	Is Applicant a:	<input type="checkbox"/> sole-proprietor <input type="checkbox"/> partnership <input type="checkbox"/> LLC <input type="checkbox"/> corporation <input type="checkbox"/> joint-venture <input type="checkbox"/> non-profit <input type="checkbox"/> individual <input type="checkbox"/> other, describe: _____	

**FOR THE REMAINDER OF THIS APPLICATION, "APPLICANT" REFERS INDIVIDUALLY AND COLLECTIVELY TO THE ENTITY(IES) FOR WHICH COVERAGE IS DESIRED, AS WELL AS EACH PERSON WHO IS AN OFFICER, DIRECTOR, OWNER, PARTNER OR EMPLOYEE OF THESE ENTITY(IES).**

1.5	Please provide the total number of Applicant's employees:		
1.6	Geographic area in which Applicant provides services: <input type="checkbox"/> Local <input type="checkbox"/> Regional <input type="checkbox"/> National <input type="checkbox"/> International		
	If International, which countries?		
1.7	Is Applicant owned by, controlled by or affiliated with any other company?		<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, identify the company and explain the relationship:		
1.8	Does Applicant have any subsidiaries?		<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, please list below:		

Name of Entity	Nature of Operations	% of Ownership	Coverage Desired	
		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	
		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	
		%	<input type="checkbox"/> Yes <input type="checkbox"/> No	

1.9	Within the past five years, has Applicant changed its name, acquired any business or merged or consolidated with any other entity?		<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, please complete the following:		

Name of Entity	Transaction		Did Applicant Assume any	
	Date	Type	Assets?	Liabilities?
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

1.10	If liabilities were assumed by Applicant, in connection with a transaction as described in question 1.8, please provide details:		

# Miscellaneous Medical Professional Liability Application

1.11	Does Applicant have any certified, licensed or registered professionals on staff? (e.g. architect, engineer, healthcare provider, attorney, CPA, actuary, insurance agent or broker, financial planner/advisor, etc.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, are such professionals:	<input type="checkbox"/> involved in the performance of activities the Applicant seeks to insure; or <input type="checkbox"/> solely involved in the Applicant's operational administration (e.g. CFO, in-house legal counsel, in-house risk manager)
1.12	Is Applicant a member of any industry associations?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, please provide details:	

## II. INDEPENDENT CONTRACTORS

2.1	Does Applicant use independent contractors for any activities Applicant performs?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, what specific activities do they perform and what percentages of Applicant's revenues are derived from activities performed by independent contractors?	
2.2	Describe what controls Applicant has in place to ensure the quality of work by independent contractors:	
2.3	Does Applicant require independent contractors to maintain E&O insurance?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If no, does Applicant desire coverage for these independent contractors?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.4	Does Applicant use a written contract with independent contractors?	<input type="checkbox"/> Yes <input type="checkbox"/> No

**PLEASE ATTACH A COPY OF A STANDARD CONTRACT USED WITH INDEPENDENT CONTRACTORS.**

## III. REVENUE INFORMATION

3.1 Please provide the following information regarding Applicant's operations:

Fiscal Year End Date: <small>(mm/dd/yyyy)</small>	Past Fiscal Year		Current Fiscal Year		Next Projected Fiscal Year *	
<b>Total Gross Revenue or Budget:</b>	US:	\$	US:	\$	US:	\$
	Foreign:	\$	Foreign:	\$	Foreign:	\$
	Total:	\$	Total:	\$	Total:	\$

\* The Next Projected Fiscal Year Revenue will be used as a guide to calculate the annual premium.

3.2 If Next Projected Fiscal Year Total Gross Revenue differs from Current Fiscal Year Total Gross Revenue by +/- 20%, please explain:

3.3 Please provide a breakdown for each professional service performed and the representative revenue applicable:

Service Performed	Percentage of Revenues
	%
	%
	%
	%
	%

## IV. SERVICES

4.1 Describe in detail the activities the Applicant seeks to insure: \*\*

\*\* This information will be used to develop a proposed Schedule of Insured Activities.

4.2 Is Applicant engaged in any business or profession other than as described in Question 4.1 above?  Yes    No

If yes, please explain:

# Miscellaneous Medical Professional Liability Application

## V. QUALITY CONTROL & PROCEDURES

5.1 What does Applicant see as its greatest potential exposures arising out of the activities for which it is seeking coverage?

5.2 What safeguards does Applicant employ to avoid claims or reduce Applicant's exposures?

5.3 Within the last five years, has any principal, partner, director, officer, or professional/certified employee provided professional services to another entity in which the Applicant has/had any ownership/equity interest?  Yes  No

If yes, please explain:

5.4 Provide the following information regarding Applicant's five (5) largest clients:

	Client	Dollar Value of Contract	Length of Contract	Type of Products/Services
1.				
2.				
3.				
4.				
5.				

5.5 Does Applicant use a standard written contract or agreement with all clients?  Yes  No  
 If standard contracts are not utilized at all times, what percentage of time does Applicant use non-standard contracts? %

5.6 Does legal counsel review all contracts?  Yes  No  
 If no, what percentage of time are contracts reviewed? %  
 Does legal counsel review modifications to standard contracts?  Yes  No

5.7 What is the dollar value of Applicant's contracts? Average Largest  
 What is the length of Applicant's contracts? Average Longest

5.8 Do Applicant's contracts contain any of the following provisions?  
 Hold harmless/indemnification wording to Applicant's favor  Limitation of liability/Disclaimers  
 Hold harmless/indemnification wording to client's/member's favor  Statement of work specifications

**PLEASE ATTACH A COPY OF THE STANDARD CONTRACT**

5.9 Does Applicant obtain written approval from their client(s) upon completion of services performed?  Yes  No

5.10 Describe Applicant's risk management procedures currently in place:

5.11 Have Applicant's procedures been reviewed by a law firm?  Yes  No

5.12 Does Applicant have a written complaint resolution policy or procedure?  Yes  No

5.13 Does Applicant perform quality control audits?  Yes  No  
 If yes, how frequently are audits performed?

5.14 Does Applicant have a formal technology and computer systems training program, including a review of all security procedures, for all employees performing proposed Insured Activities?  Yes  No

## VI. CURRENT / PRIOR COVERAGE

6.1 Prior Professional Liability Insurance for the last three years:

Policy Period	Carrier	Limits	Deductible	Premium	Claims-Made or Occurrence

6.2 What is the retroactive date of the current policy?

6.3 Is any extended reporting period currently in force?  Yes  No  
 If yes, provide the duration and expiration date of the extended reporting period:

6.4 Has Applicant ever applied for Professional Liability coverage and been denied, cancelled or non-renewed?  Yes  No

# Miscellaneous Medical Professional Liability Application

6.5	Does Applicant maintain General Liability coverage?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<b>Carrier:</b> _____ <b>Limits:</b> _____ <b>Expiration Date:</b> _____	
6.6	Does Applicant's General Liability coverage include:	
	Personal Injury/Advertising Injury?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Products/Completed Operations?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Professional Services Exclusion?	<input type="checkbox"/> Yes <input type="checkbox"/> No

## VII. DESIRED LIMITS / DEDUCTIBLE OPTION(S)

7.1	Desired Limits:	
	Each Erroneous Act:	<input type="checkbox"/> \$1,000,000 <input type="checkbox"/> \$2,000,000 <input type="checkbox"/> \$3,000,000 <input type="checkbox"/> \$4,000,000 <input type="checkbox"/> \$5,000,000 <input type="checkbox"/> Other _____
	Aggregate Limit	<input type="checkbox"/> \$1,000,000 <input type="checkbox"/> \$2,000,000 <input type="checkbox"/> \$3,000,000 <input type="checkbox"/> \$4,000,000 <input type="checkbox"/> \$5,000,000 <input type="checkbox"/> Other _____
7.2	Desired Deductible:	<input type="checkbox"/> \$0 <input type="checkbox"/> \$2,500 <input type="checkbox"/> \$5,000 <input type="checkbox"/> \$7,500 <input type="checkbox"/> \$10,000 <input type="checkbox"/> \$25,000 <input type="checkbox"/> \$50,000 <input type="checkbox"/> Other _____

## VIII. HISTORY

8.1	In the last five years have any of the Applicant's customers:	
	Made allegations or complained about the performance, non-performance, or timeliness of Applicant's products/services?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Refused to pay or stopped paying fees or dues due to alleged problems with Applicant's products/services?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Requested a refund due to alleged problems with Applicant's products/services?	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.2	In the past five years, has Applicant sued any of its clients for non-payment?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, advise the number of times this has occurred _____ in the last twelve months: _____ in the last five years: _____	
	In these instances, was the Applicant counter-sued?	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.3	In the past five years, have any officers, principals, partners, directors, or professional employees of Applicant had their professional license(s) or certification(s) suspended or revoked?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, please explain:	
8.4	Is Applicant aware of any actual or alleged fact, circumstance, situation, error or omission, which can reasonably be expected to result in a Claim, suit or proceeding being made against Applicant?	<input type="checkbox"/> Yes <input type="checkbox"/> No

**The policy for which Applicant is applying, if issued, will not insure any Claims that can reasonably be expected to arise from any actual or alleged fact, circumstance, situation, error or omission known to any Applicant before the Inception Date of the policy.**

8.5	Has Applicant or any of Applicant's predecessors in business, affiliates, or past or present: partners, owners, officers, sales persons or employees been investigated and/or cited by any regulatory agency, certifying body, or other governmental entity?	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.6	Have any <b>Claims</b> , suits or proceedings been brought during the past five years against Applicant or Applicant's predecessors in business, affiliates, or past or present: partners, owners, officers, sales persons or employees?	<input type="checkbox"/> Yes <input type="checkbox"/> No

**The policy for which Applicant is applying, if issued, will not insure any Claims made against the Applicant prior to the Inception Date of the policy or any subsequent claims, suits or proceedings arising there-from.**

8.7	If any of the answers to questions 8.4, 8.5, or 8.6 above are "Yes", have all matters been reported to appropriate insurance carriers?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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**IF APPLICANT HAS RESPONDED "YES" TO QUESTIONS 8.4, 8.5, OR 8.6 ABOVE, PLEASE PROVIDE THE FOLLOWING INFORMATION:**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>A full description including damages alleged</li> <li>Date the insurance carrier was put on notice</li> <li>Amounts of: reserves; legal expenses paid; and settlements or judgments</li> </ul> | <ul style="list-style-type: none"> <li>Current status</li> <li>Loss runs</li> <li>Steps implemented to prevent similar claims</li> </ul> |
|---|--|

## IX. ATTACHMENTS – Please attach copies of the following:

1. If Applicant has been in business less than three years, please provide copies of resumes of all principals;
2. Copies of standard contract used with clients, independent contractors and content providers;
3. Most recent financial statement; and
4. Promotional materials or brochures.

# Miscellaneous Medical Professional Liability Application

## X. REPRESENTATIONS

*This Application **must** be signed by an authorized partner, officer or other principal of Applicant shown in Question 1.1 of this Application. By signing this Application, Applicant represents and warrants the following:*

- 1. The statements in the Application or Renewal Application furnished to the Company are accurate and complete;*
- 2. Those statements furnished to the Company are representations Applicant makes on behalf of all proposed Insureds;*
- 3. Those representations are a material inducement to the Company to provide a premium proposal;*
- 4. If a policy is issued, the Company will have issued this Policy in reliance upon those representations;*
- 5. If there is any material change in the Applicant's condition or in the Applicant's activities, services, or answers provided in this Application that occurs or is discovered between the date this Application is signed and the Effective Date of any policy, if issued, Applicant will immediately report to the Company in writing; and*
- 6. The Company reserves the right, upon receipt of such notice, to change or rescind any proposal previously offered by the Company.*

As used herein, the "Company" shall be Capitol Indemnity Corporation or Capitol Specialty Insurance Corporation.

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\_\_\_\_\_  
Signature of authorized representative of Applicant

\_\_\_\_\_  
Title

\_\_\_\_\_  
Type / Print name of authorized representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
E-mail address of authorized representative

# Miscellaneous Medical Professional Liability Application

## XI. FRAUD WARNINGS

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance containing any materially false information or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects that person to criminal and civil penalties.

(Not applicable in AL, AR, CO, DC, FL, KY, KS, LA, ME, MD, NJ, NM, NY, OH, OK, OR, PA, RI, TN, VA, WA and WV).

### APPLICABLE IN AL, AR, DC, LA, MD, NM, RI AND WV

Any person who knowingly (or willfully)\* presents a false or fraudulent claim for payment of a loss or benefit or who knowingly (or willfully)\* presents false information in an application for insurance is guilty of a crime and may be subject to fines or confinement in prison. \*Applies in MD only.

### APPLICABLE IN CO

It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

### APPLICABLE IN FL AND OK

Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony (of the third degree)\*. \*Applies in FL only.

### APPLICABLE IN KS

Any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act.

### APPLICABLE IN KY, NY, OH, AND PA

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties (not to exceed five thousand dollars and the stated value of the claim for each such violation)\*. \*Applies in NY only

### APPLICABLE IN ME, TN, VA AND WA

It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties (may)\* include imprisonment, fines and denial of insurance benefits. \*Applies in ME only.

### APPLICABLE IN NJ

Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.

### APPLICABLE IN OR

Any person who knowingly and with intent to defraud or solicit another to defraud the insurer by submitting an application containing a false statement as to any material fact may be violating state law.