

Issued Feb. 8, 2021

COVID-19 Testing/Vaccine Advisory

To help members make informed decisions, we are providing this advisory regarding United Educators' (UE's) general liability (GL) policies and the administration of testing or vaccines for COVID-19.

Expiring GL Coverage

UE is not a medical malpractice carrier and our GL policies have always contained broad professional (CGL) or medical (GLX) services exclusions. These exclusions provide only a limited, claims-made exception for medical services performed at certain facilities that are maintained by the member principally for the use of its students and employees. To be eligible for coverage under UE's expiring GL policy forms, the administration of testing or vaccines would need to fall within this limited exception.

Pandemic Exclusion

On Jan. 1, 2021, UE began excluding COVID-19-related liability on our GL renewals. This exclusion applies to all GL coverage, including the limited claims-made exception to the professional or medical services exclusions referenced above.

There are state and federal laws, passed in 2020, that provide some limited protection to medical professionals for COVID testing and vaccinations. We are working with legal experts to better understand these limited federal protections and will share this information as we receive it. We encourage members and brokers to reach out to legal counsel to better understand specific state protections that may be available as well.

Please contact your underwriter with any other questions.

Extended Reporting

We also have received questions about the optional Extended Discovery Period provided in the GL policies. As set forth in UE's GL policies, this option is available for purchase only if the entire GL policy isn't renewed.

Other Considerations

While GL policies won't provide any COVID-19 vaccination coverage after the addition of the pandemic exclusion, a medical malpractice carrier may be able to. If vaccinations are under consideration at your institution, we suggest you discuss coverage options with your insurance broker and consult with legal counsel.

