

# Guidelines for Reimbursement of Legal Expenses for Residents Facing Arizona Board of Medical Examiners Charges

Graduate Medical Education Committee — Policies and Procedures

## Introduction

The College of Medicine recognizes that its residents/fellows ("trainees") may be required to respond to allegations of professional misconduct either in writing and/or at a hearing before the Arizona Medical Board. The College of Medicine acknowledges that many of those allegations may arise directly out of clinical care provided within the course and scope of the training program.

The College of Medicine has determined that contributing to the cost of defense of charges by the Arizona Medical Board where the charges arise from assigned activities, properly directed and approved by the attending physician(s), serves a public purpose such that the expenditure of the funds produces a significant benefit to the state to warrant the expenditure.

The College of Medicine therefore will contribute to the cost of defending such allegations in certain circumstances. The trainee may seek reimbursement for some or all of the costs of defense under the following circumstances and pursuant to the following procedures:

## Procedures

To be eligible for consideration for reimbursement, trainees must, upon receipt of a charge from the Arizona Medical Board:

1. Immediately notify the Associate Dean for Graduate Medical Education (or designee) and the residency/fellowship training director (Director) and provide a copy of the charge to these individuals;
2. Meet together with the Associate Dean and the Program Director to discuss the nature of the allegations and the circumstances under which the allegations arose. Thereafter, the Associate Dean and Program Director, with or without additional information gleaned from other individuals with direct knowledge of the circumstances surrounding the allegation, shall determine whether or not the alleged misconduct arose out of the duties performed as assigned and within the course and scope of the training program;
3. The Associate Dean shall then determine whether the conduct is within the parameters as described. If so, the Associate Dean shall make available to the trainee an amount not to exceed

Five Thousand and no/100 (\$5,000.00) Dollars for legal expenses, including attorneys' fees, for the defense of the allegations, as set forth below;

4. Trainees have no rights to appeal the Associate Dean's decisions regarding the applicability of these guidelines to the particular circumstances giving rise to the charge;
5. A determination by the College of Medicine to reimburse according to these guidelines is solely for the purposes of providing support for defense of charges of professional misconduct and does not constitute a determination on any other issues, claims or lawsuits arising out of the same incident(s);
6. In order to secure reimbursement, the trainee must provide the Associate Dean bills and proof of payment of such bills reflecting the defense of such charge;
7. The College of Medicine shall not recommend or solicit an attorney for the representation of trainees in these matters, nor shall any decision to reimburse fees generated by such representation constitute explicit or implicit endorsement by the College of Medicine of such attorney; and
8. The College of Medicine is not responsible for any tax consequences to trainees arising out of any payment, reimbursable or otherwise, of costs incurred as a result of representation.

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