

I N S T R U C T I O N S F O R C O M P L E T I N G
O N L I N E

DECLARATION OF COMPLIANCE FORM

Compliance Unit [717.783.3770](tel:717.783.3770) x280

Mcare has initiated an online “Declaration of Compliance Form.” You will be required to provide information that most accurately and truthfully reflects your status of practicing medicine in Pennsylvania on or after a specified date, referred to as the “Date in Question Began.”

Upon completion of the form, Mcare will e-mail confirmation of your selection(s) to the e-mail address you provided. If, after 24 hours, you have not received confirmation, please contact our Compliance Unit for assistance.

We encourage you to review any pop-up error messages as they are supplied to assist you in completing the form or provides notice of a potential coverage issue.

RESIDENT OR FELLOW: Pennsylvania law considers you to be practicing in Pennsylvania if you worked as a resident or fellow. Therefore, you are required to comply with Pennsylvania’s mandatory medical professional liability insurance requirements even as a resident or fellow, including participation in Mcare unless you qualify for an exemption from these requirements. If you qualify for an exemption, you should complete a “Declaration of Compliance Form,” otherwise you will continue to be subject to follow-up compliance notices.

Below you will find answers to the most common compliance questions. If, however, your questions are not addressed, please call our Compliance Unit at 717-783-3770 ext. 280 where a representative will be happy to assist you.

FREQUENTLY QUESTIONS AND ANSWERS

These questions and answers pertain to physicians (MDs and DOs), residents, fellows, podiatrists, and certified nurse midwives.

1. May I maintain an “active” license status in Pennsylvania even if I no longer practice medicine in Pennsylvania or never practiced medicine in Pennsylvania?

Yes.

2. I only practiced as a resident or fellow in Pennsylvania, why did I receive this letter?

Once a health care provider qualifies for an “unrestricted” license they are required to participate in Mcare. More importantly, they must maintain mandatory medical professional liability insurance per the provisions of Act 13 of 2002, unless they qualify for an exemption from participation which must be declared on the “Declaration of Compliance Form.”

3. I never practiced in Pennsylvania, why did I receive this notice?

The records of the Mcare Fund indicate you have a license to practice medicine in Pennsylvania, but our records do not reflect that medical malpractice insurance is in place for you in Pennsylvania. Maintaining an active Pennsylvania license without having concurrent malpractice insurance triggers the issuance of a compliance notice. However, having never practiced medicine in Pennsylvania is a valid exemption to the mandatory insurance requirement in Pennsylvania. You must declare this and any other exemption on the “Declaration of Compliance Form.”

4. Although I have an “unrestricted” active Pennsylvania license, I am a resident or fellow returning to Pennsylvania for additional medical training under a trainee or limited license (MT or OT), why did I receive this letter?

Once a health care provider qualifies for an “unrestricted” active Pennsylvania license, they are required to maintain mandatory medical professional liability insurance and to participate in Mcare, unless they qualify for exemption(s) from participation which must be declared on the “Declaration of Compliance Form.”

5. I am a retired health care provider and advised my licensure board of my retirement, why did I receive this notice?

- A retired health care provider, who maintains an “**active**” Pennsylvania license status, indicates the potential applicability of Pennsylvania’s mandatory medical professional liability insurance requirements, including Mcare coverage, unless they qualify for exemption(s) from participation, which must be declared on the “Declaration of Compliance Form.”
- A retired health care provider who maintains an “**inactive**” license status is exempt from mandatory medical malpractice coverage, including Mcare. See question 9 on the “Declaration of Compliance Form.”
- A retired health care provider, who returns to the “**active**” practice of medicine and renews their Pennsylvania license, indicates the potential applicability of Pennsylvania’s mandatory medical professional liability insurance requirements, including Mcare coverage, unless they qualify for exemption(s) from participation which must be declared on the “Declaration of Compliance Form.”

6. I have yet to begin the “active” practice of medicine in Pennsylvania, why did I receive this notice?

Once a health care provider qualifies for an “unrestricted” license, they are required to participate in Mcare and to maintain mandatory medical professional liability insurance requirements unless they qualify for exemption(s) from participation which must be declared on the “Declaration of Compliance Form.”

7. I read radiographic films in other states for the majority of my practice, I practice less than 50% in Pennsylvania on an “unrestricted” active Pennsylvania license, and I reside in Pennsylvania, why did I receive this notice?

If you practice at all in Pennsylvania but less than 50% based on the number of Pennsylvania patients to whom health care services are provided, you are exempt from Mcare participation, but nevertheless you may elect to participate. By selecting exemption #8 on the “Declaration of Compliance Form,” you are stating that you choose not to participate in Mcare and you had/have a professional liability malpractice policy with separate limits of \$1,000,000 per occurrence and \$3,000,000 annual aggregate in force during the “Date in Question Began.” This coverage must be secured with a primary insurer licensed or approved by the Pennsylvania Insurance Department. *A copy of your coverage declaration sheet must be provided to Mcare.*

A declaration sheet may be provided in either acceptable method:

Fax to: 717-705-7342

Mail to: Office of Mcare

Attn: Compliance Unit

PO Box 12030

Harrisburg, PA 17108-2030

8. I believe I had the requisite medical malpractice coverage and, therefore, I received this notice in error; what should I do?

If you believe that you had the medical malpractice coverage required in Pennsylvania on and after the “Date in Question Began,” you should contact your broker/agent, primary insurer, self-insured entity, hospital risk manager, RRG or employer immediately to have the coverage information remitted to Mcare.

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