In keeping pace with today’s complex healthcare environment, healthcare organizations like yours face significant exposures related to management liability – from everyday operational oversight to the challenges of employment-related decision-making.

**Prevail over loss with sufficient liability protection.** To help you address the unique risks healthcare organizations face, The Hartford offers Private Choice Encore® for healthcare organizations – a convenient package of some of the most sought-after coverage features in the insurance industry.

The claims scenarios in this flyer illustrate problematic situations that healthcare organizations may find themselves in.

**DIRECTORS, OFFICERS & ENTITY (D&O) LIABILITY**

**SCENARIO 1**
Privately-held healthcare facility shareholders allege that its board breached fiduciary duties when it allegedly failed to consider a bid by a larger healthcare facility to acquire the facility at a price above current market value. Plaintiffs sought declaratory judgment requiring board members to consider and respond to the offer as well as an order preventing anti-takeover measures.

**SCENARIO 2**
Written demand is made to keep a healthcare facility open and to keep the facility committed to its historic mission after its board’s decision to phase out an acute care hospital and long-term care unit.

**SCENARIO 3**
A physician’s application for medical staff privileges is denied by the community hospital affiliated with their medical practice. Allegations include restraint of trade, violation of due process, defamation and discrimination.

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continued
### EMPLOYMENT PRACTICES LIABILITY (EPL)

**SCENARIO 4**
A nurse brings a lawsuit alleging wrongful termination and employment-related defamation regarding drug testing in the workplace.

**SCENARIO 5**
A candidate for employment at a healthcare facility alleges sexual harassment during the interview process.

**SCENARIO 6**
A nurse, a 20-year employee, alleges age and disability (joint replacement) discrimination and constructive discharge.

### FIDUCIARY LIABILITY (ERISA)

**SCENARIO 7**
A claims administrator, health and welfare plan and employer are sued under ERISA after an administrator denied a claim for experimental cancer treatment.

**SCENARIO 8**
Demand is made upon an employer to fund a retirement plan match allegedly owed based upon wording in a severance agreement and a W2 issued on the grossed up amount.

**SCENARIO 9**
An employer/plan administrator mistakenly overpaid benefits to a former employee. The plan made demand upon the former employee to return the overpayment and then sued for return of the funds when ignored. The former employee counterclaimed against the employer/plan administrator for negligence and breach of ERISA.

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The scenarios summarized herein are offered only as examples. Coverage discussed herein is summary only. Coverage depends on the actual facts of each case and the terms, conditions, and exclusions of the issued policy. Please refer to the issued policy to determine all terms, conditions, exclusions and limitations of coverage. Coverage is provided by the property and casualty companies of The Hartford Financial Services Group, Inc. and may not be available to all businesses in all states. All information and representations herein are as of June 2015. The Hartford® is The Hartford Financial Services Group, Inc. and its subsidiaries, including issuing companies, Hartford Fire Insurance Company, Hartford Life Insurance Company and Hartford Life and Accident Insurance Company. Its headquarters is in Hartford, CT.