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Overview of the Missouri State Legal Expense Fund

This Client Alert provides a brief overview of the Missouri State Legal Expense Fund (the “LEF”) as it applies to county health departments.

Under certain circumstances, the LEF provides payments in resolution of judgments or claims for damages from injured parties arising out of the actions of any physician, nurse, physician assistant, dental hygienist, dentist, or other healthcare professional licensed to practice in Missouri.

Physicians, Nurses, Physician Assistants, Dental Hygienists, Dentists, or licensed or registered healthcare providers

The LEF is available for any physician, nurse, physician assistant, dental hygienist, dentist, or other healthcare professional licensed or registered under Missouri law who provides healthcare services at a county health department excluding federally funded community health centers and rural health clinics, if such services are restricted to primary care and preventive health services, provided that such services do not include the performance of an abortion, and if such health services are provided by the healthcare professional licensed or registered under Missouri law where the individual receiving the medical care is not paying for the care. Liability or malpractice insurance obtained and maintained in force by or on behalf of any healthcare professional licensed or registered shall not be considered available to pay that portion of a judgment or claim for which the LEF is liable under this section. See *Mo. Rev. Stat. § 105.711.2(3)(d)*

Employed Physicians

The LEF is available for payments in resolution of judgments or claims for damages from injured parties arising out of the actions of any physician licensed to practice medicine in Missouri (or the licensed physician’s professional corporation) who is employed by or under contract with a county health department to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract where the individual receiving the medical care is not paying for the care or the physician is paid from no other source than a governmental agency except for patient co-payments required by federal or state law or local ordinance. See *Mo. Rev. Stat. § 105.711.2(3)(b)*

Referrals to Physicians

The LEF is also available for any physician or dentist providing medical care to an individual referred to his or her care by a county health department where the individual receiving the medical care is not paying for the care and such treatment does not include the performance of an abortion. Liability or malpractice insurance obtained and maintained in force by or on behalf of any physician or dentist shall not be considered available to pay that portion of a judgment or claim for which the LEF is liable under this section. See *Mo. Rev. Stat. § 105.711.2(3)(f)*

All payments are made from the LEF by the commissioner of administration with the approval of the attorney general.

For questions, please contact one of the authors below.

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