

The University of North Carolina Liability Insurance Trust Fund

Legal Department
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August 31, 2010

Bart Corgnati
Secretary of the University
University of North Carolina
910 Raleigh Road
Chapel Hill, NC 27514

Dear Mr. Corgnati:

I write to recommend appointments to the UNC Liability Insurance Trust Fund Council. In accordance with NCGS 116-220(c), the Board of Governors appoints not more than nine members of the Council; four members are appointed by and serve as the representative of the State Attorney General, the State Insurance Commissioner, the Office of State Budget and Management and the State Treasurer.

The current membership of the Council is:

Celia Lata, State Attorney General

Joseph Rippard, State Insurance Commissioner

Jeff Smith, State Treasurer

Bill Stockard, Office of State Budget and Management

Dr. Philip Boysen, UNC School of Medicine, and Chair, Professional Liability Advisory Committee

Benjamin Gilbert, Senior Vice President and General Counsel, UNCHCS

Dr. Brian Goldstein, Executive Vice President and Chief Operating Officer, UNC Hospitals (appointed in his former capacity as Chief of the Medical Staff, UNC Hospitals)

Gary Park, President, UNC Hospitals

Dr. Marschall Runge, Executive Vice Dean, UNC School of Medicine (appointed in his former capacity as President, UNC Physicians & Associates)

Hunter Wagstaff, Chief Financial Officer, UNC Physicians & Associates

J. Charles Waldrup, General Counsel NCA&T (appointed in his former capacity as Assistant Vice President, University of North Carolina General Administration)

On behalf of the UNC School of Medicine and UNC Hospitals, I recommend the following appointments:


Dr. Allen Daugird, President, UNC Physicians & Associates (to replace Dr. Marschall Runge)

Christopher Ellington, Executive Vice President and Chief Financial Officer, UNC Hospitals

Dr. Anthony Lindsey, Chief of the Medical Staff, UNC Hospitals

Thank you for your assistance.

Benjamin Gilbert



Secretary

§ 116-220. Establishment and administration of self-insurance trust funds; rules and regulations; defense of actions against covered persons; application of § 143-300.6.

(a) In the event the Board elects to act as self-insurer of a program of liability insurance, it may establish one or more insurance trust accounts to be used only for the purposes authorized by this Article: Provided, however, said program of liability insurance shall not be subject to regulation by the Commissioner of Insurance. The Board is authorized to receive and accept any gift, donation, appropriation or transfer of funds made for the purposes of this section and to deposit such funds in the insurance trust accounts. All expenses incurred in collecting, receiving, and maintaining such funds and in otherwise administering the self-insured program of liability insurance shall be paid from such insurance trust accounts.

(b) Subject to all requirements and limitations of this Article, the Board is authorized to adopt rules and regulations for the establishment and administration of the self-insured program of liability insurance, including, but not limited to, rules and regulations concerning the eligibility for and terms and conditions of participation in the program, the assessment of charges against participants, the management of the insurance trust accounts, and the negotiation, settlement, litigation, and payment of claims.

(c) The Board is authorized to create a Liability Insurance Trust Fund Council composed of not more than 13 members; one member each shall be appointed by the State Attorney General, the State Insurance Commissioner, the Director of the Office of State Budget and Management, and the State Treasurer; the remaining members shall be appointed by the Board. Subject to all requirements and limitations of this Article and to any rules and regulations adopted by the Board under the terms of subsection (b) of this section, the Board may delegate to the Liability Insurance Trust Fund Council responsibility and authority for the administration of the self-insured liability insurance program and of the insurance trust accounts established pursuant to such program.

(d) Defense of all suits or actions against an individual health-care practitioner who is covered by a self-insured program of liability insurance established by the Board under the provisions of this Article may be provided by the Attorney General in accordance with the provisions of G.S. 143-300.3 of Article 31A of Chapter 143; provided, that in the event it should be determined pursuant to G.S. 143-300.4 that defense of such a claim should not be provided by the State, or if it should be determined pursuant to G.S. 143-300.5 and G.S. 147-17 that counsel other than the Attorney General should be employed, or if the individual health-care practitioner is not an employee of the State as defined in G.S. 143-300.2, then private legal counsel may be employed by the Liability Insurance Trust Fund Council and paid for from funds in the insurance trust accounts.

(e) For purposes of the requirements of G.S. 143-300.6, the coverage provided State employees by any self-insured program of liability insurance established by the Board pursuant to the provisions of this Article shall be deemed to be commercial liability insurance coverage within the meaning of G.S. 143-300.6(c).

(f) By rules or regulations adopted by the Board in accordance with G.S. 116-220(b) of this Article, the Board may provide that funds maintained in insurance trust accounts under such a self-insured program of liability insurance may be used to pay any expenses, including damages ordered to be paid, which may be incurred by the University of North Carolina, a constituent institution of the University of North Carolina, or the University of North Carolina Hospitals at Chapel Hill with respect to any tort claim, based on alleged negligent acts in the provision of health-care services, which may be prosecuted under the provisions of Article 31 of Chapter 143 of the General Statutes. (1975, 2nd Sess., c. 976; 1987, c. 263, s. 1; 1989, c. 141, s. 7; 2000-140, s. 93.1(a); 2001-424, s. 12.2(b); 2009-136, s. 4.)