

Thus, it is the opinion of this office that an elected coroner who is also a physician, must acquire general liability insurance for himself or herself and the employees of the office, but is not required to purchase medical malpractice insurance.²

III. Who is Responsible for Paying the Office of the Coroner's Insurance?

R.S. 33:1556(B)(1) states that "[a]ll necessary or unavoidable expenses . . . incident to the operation and functioning of the coroner's office shall be paid by the parish when such expenses are certified by the coroner as being necessary or unavoidable." See also, *Carriere v. St. Landry Parish Police Jury*, 97-C-1914, 97-C-1937(La. 1998), 707 So.2d 979. Under state law, the coroner and his or her staff is required to have general liability insurance. Hence, general liability insurance is legally necessary for the operation of the coroner's office and the parish must cover this expense.

IV. Who Bears the Responsibility for Defending and Paying Court Ordered Judgments Against the Coroner's Office?

R.S. 13:5108.1, the state indemnification statute, specifically excludes coroners and their employees from the class of individuals whom the state shall defend or indemnify. The state may not defend or indemnify coroners or their employees "against any claim, demand, suit, complaint, or petition seeking damages filed in any court over alleged negligence or other act, by the individual, including any demand under any federal statute when the act that forms the basis of the cause of action took place while the individual was engaged in the performance of the duties of the individual's office or employment with the state."³

Similarly, R.S. 42:1441(A) prohibits the State of Louisiana from being liable for any damage caused by a coroner or his or her employees while acting within the course and scope of his or her official duties. And yet, R.S. 42:1441(B) expressly provides that R.S. 42:1441(A) is "not intended to and shall not be construed to affect any personal liability which may arise from damage caused by . . . [a] coroner, . . . or the employee of any such public officer, nor shall the provisions of said Subsection A be construed to amend or repeal R.S. 13:5108.1." In other words, although the State of Louisiana is not obligated to defend or indemnify a coroner or his or her employees, if said individuals

² According to the Louisiana Patients Compensation Fund's (PCF) website, there is also no mandatory requirement under law that requires a coroner to enroll in the PCF. Our office would also direct you to contact a representative from the Louisiana Patients Compensation Fund should you seek more specific guidance on this issue.
See http://www.doa.louisiana.gov/pcf/faq_coverage_surcharges.htm#7 (last visited 10/20/11).

³ R.S. 13:5108.1(A)(1).