

Personal professional liability insurance is important for each nurse to carry. If you rely solely on your employer's malpractice coverage, you may learn too late that you are not covered under every possible circumstance.



That can be a costly lesson.



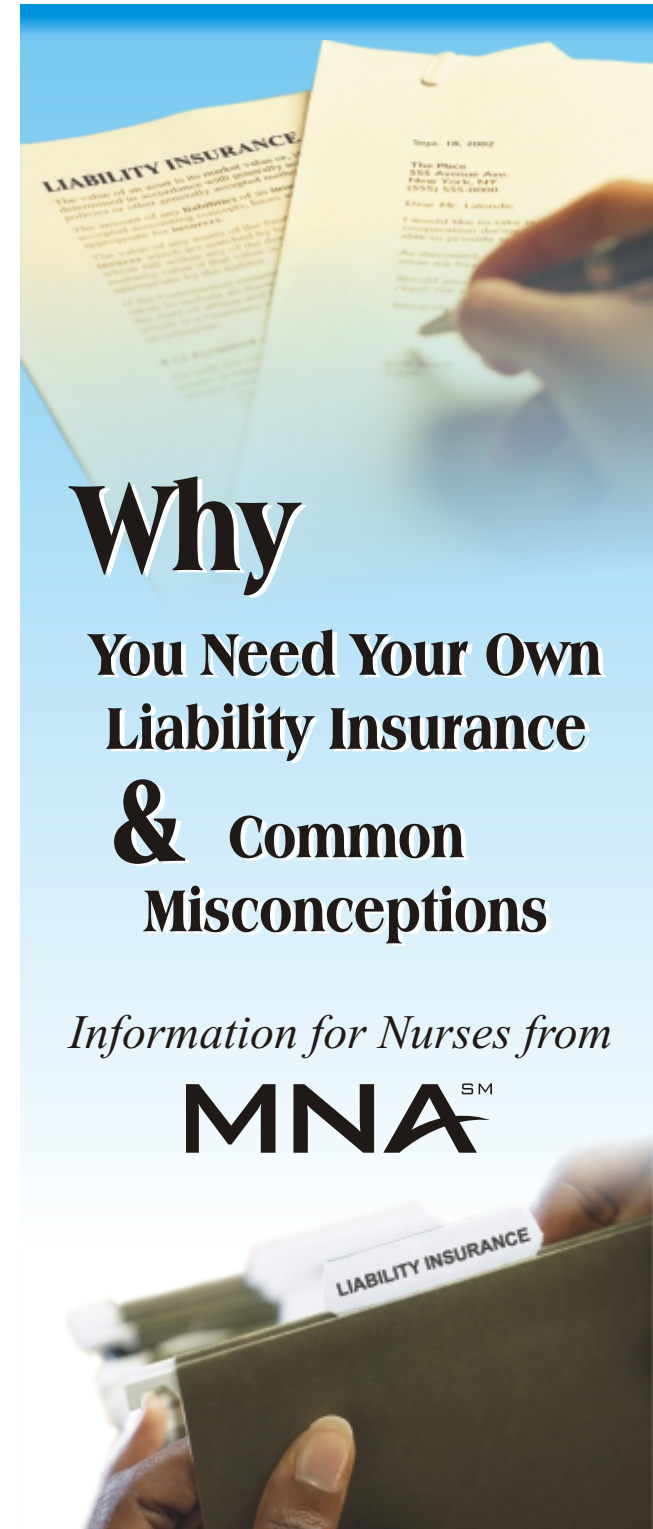
The Most Common Employer Complaints in Actions Taken Against a Nursing Professional's License:

Unprofessional Conduct:	... 60%
Misconduct: 16%
Drug related: 12%
Sexual misconduct: 2%
Fraud/Deceit: 2%
Other: 8%

Data was compiled by the Nurses Service Organization (NSO) through December 31, 2008.

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MNASM
MASSACHUSETTS NURSES ASSOCIATION



Why

You Need Your Own Liability Insurance & Common Misconceptions

Information for Nurses from

MNASM

Why you need your own policy:

- For protection in the event that your patient facility or agency sues you.
- For legal representation before the Board of Nursing, the agency with discipline authority over nurses. Most employer policies do not provide nurses with coverage for attorney fees in discipline cases (board of nursing actions against your license). Most individual liability policies do provide such coverage, but ask to be certain (MNA-endorsed NSO insurance provides this coverage up to \$10,000 in legal expenses per proceeding).
- For protection if you render nursing services to a neighbor or friend who sues you. In an emergency you might be covered under a Good Samaritan Act. But for actions or advice gone awry in a non-emergency (giving neighborly advice, for example), that protection would not apply.
- For protection over and above the level that your facility or agency may provide (Have you seen a copy of their policy? Ask for one!).
- To provide you with your own attorney in the event of a conflict of interest with your employer or fellow practitioners.
- Because coverage is inexpensive. For most nurses the cost is under \$100/year and may be a tax deductible expense. Even more, defense costs are provided outside the limit of liability. By comparison, attorney fees generally begin at \$200 per hour.

The Massachusetts Nurses Association recommends NSO as a preferred provider of liability insurance. Go to www.nso.com or pick up an NSO application brochure at MNA, 340 Turnpike St., Canton, MA 02021.

Common Misconceptions:

Myth #1

“Having my own malpractice insurance is an unnecessary expense; I’m already covered by my employer.”

Fact #1

Your employer’s legal team is obligated to focus on your employer’s interests during the lawsuit – not yours. The main benefit of having your own personal policy is that your interests come first. You’ll have the peace of mind knowing that your interests are paramount. If a case comes down to your word against your employer’s, you ought to have your own legal protection and defense.

Myth #2

“My employer’s coverage is as good as anything I can get on my own”

Fact #2

Your employer’s Certificate may not name you specifically as an insured. Whether or not it does – can you be certain you would be covered under every possible situation?

As a matter of fact, your employer could:

- ...deny coverage, arguing its procedures were not followed to the letter
- ...disagree with an action you took – even if it seemed the right thing to do for the patient
- ...provide a “claims made” policy (which would cover you only for claims made while a specific policy is in effect). If you leave an employer, you may not be covered for the period under that prior employment.

Note: Under an “occurrence” policy, coverage is triggered based upon when the accident or injury happened; the policy in force on the date of the incident applies (there are variations on these types of policies so it’s best to inquire of your carrier).

Myth #3

“I’m more likely to be sued if I have my own insurance.”

Fact #3

The truth is, no one can know whether you have your own policy. Insurance status is privileged information which is not disclosed until the “discovery phase” of a trial. At that point, you’ve already been named in the suit. Even after discovery, you are just as likely to remain on the defendant list.

Insurance can be considered an asset – but so can your license, future earnings, home and bank accounts. Plaintiff attorneys can and will go after all of them. You can help protect yourself against this by purchasing your own personal policy.

Myth #4

“My license is not at risk – my employer or association will protect me.”

Fact #4

Employers generally do not provide license protection – and oftentimes are the ones to actually file a complaint with the state Board of Registration in Nursing (BORN), alleging, for example, that you did not follow procedures, did not document accurately or more. A complaint with the BORN would trigger an investigation, and you would need your own defense attorney. If the BORN files disciplinary action against you, your career as a nurse could be tainted – or even ruined. License Protection coverage is built into the plan offered through NSO, and has helped protect the careers of thousands of nurses.

Myth #5

“Nurses who get liability insurance must be poor practitioners, since good nurses don’t need liability insurance”

Fact #5

Anyone can be reported to the Board of Registration in Nursing or become involved in a lawsuit just by virtue of having been involved in the care of the patient involved. Nurses are often caught in the middle between their duty to their patients under the law (the state Nurse Practice Act) and their own ethics) and their employer’s policies, which may conflict with each other.