

ONA/OHSU
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Have You Taken the Pre-Negotiation Survey Yet?

Your bargaining team uses surveys to stay informed on the major priorities of OHSU nurses. It helps our bargaining team speak more authoritatively on issues when an overwhelming majority of nurses complete the survey. Let your voice be heard by filling out the survey today!

www.SurveyMonkey.com/r/2019ONAOHSUPreNegoSvy

Professional Liability Insurance

Recently, some of you received information from OHSU administration related to carrying your own professional liability insurance policy. The information provided to you was not accurate. As a result, AURN leadership and ONA staff reached out to the Nurses Service Organization (NSO), which is the carrier recommended by the ONA. Following is more information regarding coverage and answers to specific questions that were a part of the OHSU communication.

We cannot emphasize enough - **the major recommendation from AURN leaders and ONA staff is to protect your license and your career!**

OHSU administration appeared to be discouraging nursing professionals from carrying their own liability and license protection policy. Administration claimed that if a nurse had their own policy, they would then be the primary insurance for any costs associated with legal action against either them or OHSU. The

answer below is from NSO based on legal requirements for employers and prudent advice for nurses.

If a nurse has their own professional liability coverage and is an employee of OHSU, the nurse's coverage is secondary, not primary, to OHSU's policy. OHSU, as an employer of the nurse, has vicarious liability for the actions of its employees and is primary. Should a lawsuit occur, the employer's attorneys would want to control the suit without other counsel defending one of its employees separately, which the employer describes as being a "hinder [to] the ability for Risk Management and the OHSU insurance coverage to respond appropriately in the event of a claim/issue/investigation."

There are four main takeaways nurses should know about their employer's coverage:

1. A nurse should always be familiar with their employer's policies and

Professional Liability Insurance *(Continued from page 1)*

should take the time to read the fine print so they understand when they are or are not covered. As mentioned below, employer coverage is for “issues that arise out of patient care as long as the care is provided within the course and scope of their work.” If the employer or its attorneys deem an employee did not follow a facility’s policy or procedures to the letter, the facility could take action against the nurse including dismissal and/or reporting to the Oregon State Board of Nursing (OSBN); clearly leaving the nurse in a challenging scenario and more than likely having to seek external representation.

2. Employer insurance is designed to protect the entity first and foremost. If the nurse did have direct involvement, is the facilities legal representation looking out for that nurse’s best interests? Should a nurse not have had involvement but is still included in a suit (named in the suit but not involved in care or in the incident), there is no incentive for the facility to work to remove an individual. Should a payment be made, the nurse would then be reported to the National Practitioner Data Bank. In this scenario, a nurse may want to hire their own representation to be removed from a case.
3. Employer policies do not provide coverage for board investigations (because the employer may be the one to report a complaint to the OSBN). As mentioned in the previous takeaway, the employer’s policy, if it believes a policy was not followed, may automatically trigger a complaint to the governing body.
4. What if a suit is brought forth after the employee has left the facility? Will coverage be extended to past employees?

Also, nurses would want to cover themselves for any incidents which may occur outside of their employment. These incidents can have multiple ramifications (disciplinary complaint, allegation of malpractice, deposition as witness or named defendant, etc.). Also, if you are the subject of allegations of malpractice it doesn’t mean you can’t be reported to the OSBN or vice versa.

The malpractice policy responds to allegations of malpractice, board investigations and more. In order to trigger coverage, the nurse would need to have been insured on the date the incident occurred, and the incident would have to be the result of an insured nurse providing (or failing to provide) professional services that resulted in a patient being injured or harmed.

- The malpractice policy covers amounts that you become legally obligated to pay as a result of a professional liability claim arising out of a covered medical incident. An example of this would be the cost of the indemnity payment made to the injured third party, up to the applicable limits of liability, along with the cost of defending the claim.
- The license defense coverage reimburses the nurse, up to the applicable limits of liability, for defense of disciplinary charges and other covered expenses arising out of a covered incident if a complaint is brought against you before a state licensing board.
- Deposition representation coverage is for when a patient is injured at the facility where you work. You’re not named in the lawsuit, but you receive a subpoena for testimony during the policy period. Your coverage through NSO will pay for attorney’s fees of an attorney designated by the insurer as a result of your required appearance at a deposition that arises out of professional services.
- Many other coverage extensions are part of the NSO policy and are outlined on our website. Of course, only the relevant insurance policy can provide the actual terms, coverages, amounts, conditions and exclusions for an insured.

The value of having an individual professional liability insurance policy to a nurse is that the NSO coverage is the nurse’s individual coverage and therefore is protecting the best interests of the nurse.

Certainly, the nurse needs to ask what coverages are included in the OHSU policy, understand where there may be gaps, and what other professional work they may do outside of their employment, like contracting or volunteering.

Healthcare Benefits News

WELLNESS SURCHARGE GRIEVANCE UPDATE

Since the wellness surcharge has been withdrawn (for now) we informed management that we will not elevate our grievance to arbitration. However, since we still disagree with the employer's position that the implementation of a wellness incentive (penalty or reward) is a decision within the purview of the Employee Benefits Council (EBC), we reserve the right to take this up again if it is brought to the EBC in the future.

NEW HIGH DEDUCTIBLE "VALUE PLAN"

This year's open enrollment includes a "Value Plan" with low premiums but very high deductibles. We

encourage nurses to be very cautious about considering this plan. Moreover, we will NOT allow this to be an opening for OHSU to move in this direction for everyone.

CHANGES IN MASSAGE BENEFITS

Some nurses have noticed that the massage benefits have recently changed. As a part of evaluating plan designs, the EBC had the difficult task of finding ways to absorb rising healthcare costs without impacting important coverage, and unfortunately scaling back the massage benefit was the least bad option. Please reach out to your AURN EBC members if you have more questions.

Now Recruiting: CAT, Negotiation Team and PNCC

CONTRACT ACTION TEAM (CAT)

One of the most important tasks that we must accomplish as we ramp up for bargaining is to put together a Contract Action Team (CAT). A CAT is responsible for keeping their units apprised of developments in bargaining and working with AURN leadership and ONA staff to coordinate bargaining actions and ensure that we win a strong contract.

As we have seen with the American Federation of State, County, and Municipal Employees (AFSCME), despite record profits, OHSU management has a habit of asking for severe concessions and seeing if nurses are willing to fight for a strong contract. For this round of negotiations, it is important that we are well organized from the start of bargaining so management knows we are fully prepared to fight for our patients.

If you would like to be a member of the CAT, please contact one of your ONA representatives.

NEGOTIATION TEAM

Another important task that we are working on as we prepare for negotiations is recruiting our bargaining

team. For those who haven't gone through negotiations before, our bargaining team is made up of nurses from OHSU who work with our labor representatives to negotiate our new contract with management. Generally our bargaining team is made up of the five AURN executive team members and then four at-large nurses from around the hospital.

The role of bargaining team members is to evaluate management proposals and generate solutions that are most beneficial for AURN members. Bargaining team members also help ensure that the concerns of all AURN members are heard when we are considering changing contract language or implementing new language.

If you are interested in joining the bargaining team, please complete a consent to serve form and a member of the executive committee will reach out to you:

www.OregonRN.org/OHSU-CTS

PROFESSIONAL NURSING CARE COMMITTEE (PNCC)

The Professional Nursing Care Committee (PNCC) is a contractually created committee which assists staff

Now Recruiting: CAT, Negotiation Team and PNCC *(Continued from page 1)*

nurses in assessing and solving problems related to nursing practice. Staff nurses with clinical expertise are elected or appointed to serve on this committee. The PNCC speaks on behalf of staff nurses and its purpose is to analyze, consider options and solve

problems. This group typically meets for a few hours on a monthly basis to conduct their work.

If you are interested in joining the PNCC, please fill out a consent to serve form:

www.OregonRN.org/OHSU-CTS

Membership Drive

One of the easiest ways to gauge union strength is by looking at the percentage of workers who choose to become full members of the union. Currently AURN is sitting at 87 percent membership, which is pretty solid! However, as we get closer to a bargaining year, it is more important now than ever that we present a united front to management.

If you have thought about becoming a full member of ONA but haven't actually filled out the form, now is a great time to act. If there are nurses on your unit who have not become full members of ONA, you should reach out to them about the importance of becoming a full member.

SAVE THE DATE!

ONA Convention and House of Delegates

May 18-19, 2020

DoubleTree Lloyd Center, Portland

The convention's theme is "Rising Up Together" and will feature sessions on professional development, nursing practice and workplace issues, as well as topics critical to ONA's strategic plan including equity and inclusion.

Registration opens in November

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Nurses Make
A Difference