

# Medical Malpractice 101

BROUGHT TO YOU BY:



## HOW COURTS DEFINE MALPRACTICE VS. HOW PATIENTS DEFINE MALPRACTICE

### WHAT IS MEDICAL MALPRACTICE?

Malpractice is the failure to provide the degree of care required of a professional under the scope of their license resulting in injury, death or damage.



#### Courts

Four elements must exist for an incident to be considered malpractice:

- Duty: a nurse-patient relationship must exist
- Breach: standard of care was not met
- Cause: injury was caused by the nurse's error
- Harm: injury resulted in damages

#### Patients

To patients, it is the *perception* of wrongdoing:

- Even excellent nurses can fail to connect with all of their patients.
- If a patient perceives he or she has been injured as a result of the care you provided, or failed to provide, that patient could sue.

Medical malpractice lawsuits serve two goals



**one**

COMPENSATE VICTIMS OF NEGLIGENT MEDICAL CARE



**two**

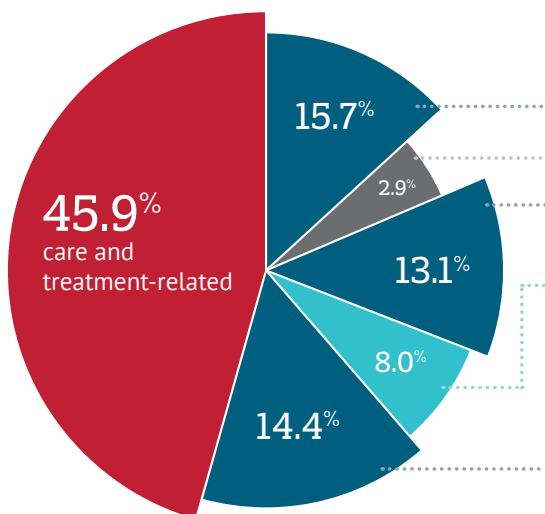
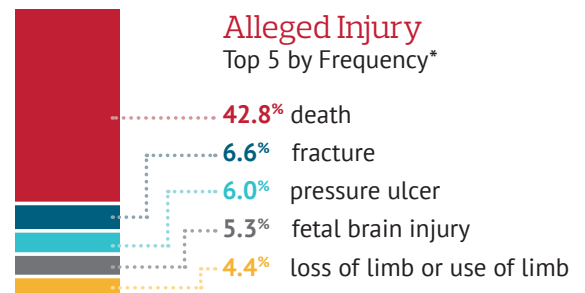
ENCOURAGE SAFE AND RESPONSIBLE MEDICAL PRACTICE

Types of recoverable damages:

- | Medical expenses | Loss of income |
- | Funeral expenses |
- | Mental anguish | Pain and suffering |
- | Loss of consortium |

### Common Medical Malpractice Allegations:\*

- Failure to assess the need for medical intervention
- Failure to properly or fully complete the patient assessment
- Failure to consider/assess patient's expressed complaints/symptoms
- Improper or untimely nursing management of medical patient or medical complication
- Improper nursing technique or negligent performance of treatment, resulting in injury
- Failure to notify practitioner of patient's condition



### Alleged Injury Claims\*

- 15.7% assessment-related
- 13.1% patients' rights/patient abuse/professional conduct-related
- 8.0% medication-related
- 2.9% scope of practice-related
- 14.4% other

\*CNA and NSO. Nurse Professional Liability Exposures: 2015 Claim Report Update. 2015. <https://www.nso.com/Learning/Artifacts/Claim-Reports/Nurse-Professional-Liability-Exposures-2015-Claim?refID=iiWLTNPi>

Providing personal protection

# Professional Liability INSURANCE

(AKA MALPRACTICE INSURANCE)

Paying indemnity for economic and non-economic damages

Professional liability insurance is coverage purchased by nurses to safeguard against medical malpractice allegations by

Covering costs associated with hiring legal representation

## Selected Average Payouts by Injury<sup>1</sup>



Coma  
**\$620,833**



Cardiopulmonary arrest  
**\$269,889**



Fracture  
**\$68,116**



Paralysis  
**\$346,470**



Death  
**\$138,935**



Scars/scarring  
**\$54,417**



Loss of limb or use of limb  
**\$223,514**



Loss of organ or organ function  
**\$109,563**



Pressure ulcer  
**\$42,288**



Abuse  
**\$30,773**

## Easy, Affordable Malpractice Protection | 3-YEAR NEW GRADUATE DISCOUNT |

Once you pass your state boards you'll want to secure your own individual professional liability insurance. The NSO policy provide:

- Up to \$1 million of Malpractice Insurance per claim<sup>2</sup>
- \$25,000 of License Defense protection
- HIPAA Privacy coverage, Abuse coverage, and much more

To make it easy for you to get started, NSO offers a three-year premium discount:<sup>3</sup>

- **60%** first year discount
- **40%** second year discount
- **20%** third year discount

After the first year, you can further reduce the cost by taking a qualified risk management course like the ones offered through NSO, CNA and Lippincott. For more information visit our website at [nso.com](http://nso.com).

**\$40**

Student Nurse Rate

**\$47**

60% 1<sup>st</sup> Year Discounted Rate

**\$69**

40% 2<sup>nd</sup> Year Discounted Rate

**\$90**

20% 3<sup>rd</sup> Year Discounted Rate

**\$111<sup>3</sup>**

4<sup>th</sup> Year Rate

<sup>1</sup> CNA and NSO. Nurse Professional Liability Exposures: 2015 Claim Report Update. 2015.

<https://www.nso.com/Learning/Artifacts/Claim-Reports/Nurse-Professional-Liability-Exposures-2015-Claim?refID=iWLTNPI>

<sup>2</sup> Aggregate Limits for Nurse and Nurse Practitioners: \$6 million. Aggregate Limits for Counselors: \$5 million. Aggregate Limits for other professions: \$3 million. Some states may vary.

<sup>3</sup> Must apply within 12 months of graduation to receive 3-year New Graduate Discount. Discount does not apply to new or existing policyholders who have graduated over 12 months ago. Discount does not apply in the states of CA, NY or SC.

Nurses Service Organization is a registered trade name of Affinity Insurance Services, Inc. (TX 13695); (AR 100106022); in CA & MN, AIS Affinity Insurance Agency, Inc. (CA 0795465); in OK, AIS Affinity Insurance Services Inc.; in CA, Aon Affinity Insurance Services, Inc. (CA 0G94493); Aon Direct Insurance Administrators and Berkely Insurance Agency and in NY, AIS Affinity Insurance Agency.

© 2019 Affinity Insurance Services, Inc.

X-13632-0419



**REQUEST A FREE QUOTE**



| [NSO.com](http://NSO.com) | 800.247.1500 |

