

Medical Malpractice – Claims Reporting

There are numerous scenarios where a Licensed Practical Nurse can be alleged of malpractice, and these allegations may have merit or be groundless or unfounded. Medical Malpractice liability, subject to the policy wordings, responds to those allegations regardless whether they are groundless or not. It provides legal representation and expenses and potential indemnity payments. Examples of complaints are professional misconduct, malpractice, neglect, humiliation, among others.

What steps should be taken in the event of a complaint or claim?

Allegations and claims should be reported immediately. Please report any of the following situations:

- You receive a Statement of Claim, summons or other legal process
- Any written allegations of professional malpractice or negligence
- Any verbal complaints or oral threats
- Any circumstance you become aware of where a third party may hold you responsible for your actions

When should you report?

The policy requires you report "as soon as practicable after being made aware of a claim". Prompt notification is required and essential in order to provide early advice and to ensure that their rights and interests are properly protected. Delay in notification could prejudice the insurer's position and impair their ability to defend you.

How to Report

Please contact your insurance broker, Lloyd Sadd Insurance Brokers Ltd. directly.

Your report should contain copies of all written documents as well as names of potential claimants and date the incident occurred. Details of the incident are also needed. Information and documentation is critical in helping resolve disputes and claims.

For any further information or if you are unsure if something needs to be reported, please contact Lloyd Sadd Insurance Brokers Ltd.

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Medical Malpractice - Explained

Malpractice issues are of great concern today. There was a time when health practitioners were not lawsuit targets; clients would never consider bringing forth an action against people who helped them. Times have changed. Today the public and legal system have high expectations and are more inclined to initiate a lawsuit.

Organizations, employees and services are being scrutinized by the public like never before. When adjudicating cases, the courts base their judgments on increasingly higher standards of care and responsibility. Licensed practical nurses (LPN) have daily contact with people and patients in their work. These people are dependent upon your skillful care and extensive knowledge. Medical Malpractice Liability Insurance helps protect you from allegations of errors, omissions and negligent acts whether or not they have merit.

As an LPN, the legal system views you as a professional, meaning you are expected to have extensive technical knowledge and training in your area of expertise. You are also expected to perform the services for which you were hired according to a professional code of conduct and within the scope of practice. If an LPN fails to use the degree of skill expected of them, they can be held personally responsible in a court of law for any harm they cause to another person. Not only can your professional reputation be damaged in a lawsuit, but your personal assets may be at risk.

As a member of the LPN regulatory body you are automatically provided with Medical Malpractice Liability coverage. Included in your annual membership, your LPN regulatory body provides a Medical Malpractice Liability policy with a \$2,000,000 per claim limit and an annual program aggregate of \$50,000,000. The program covers the LPN for faults, errors, omissions and negligence for services rendered while acting within their scope and duties. The basis of the policy is to provide protection for:

- Defense costs associated with defending an allegation, even if the allegation is false

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Your insurance company is equipped with a team of analysts, adjusters and legal professionals to ensure claims are adequately handled and proactively managed. Their expertise is critical in guiding you through the claims process, while respecting your privacy and the organizations confidentiality.

The policy includes coverage for all active members of the LPN regulatory body and retired members. Graduates waiting licensing are also provided coverage as long as they are working under the guidance of another health professional. Since the policy is intended to only cover errors and omissions resulting from your professional practice, it is important to note there are exclusions. Some of the notable exclusions include:

- Deliberate, Dishonest and Fraudulent Acts
- Fines and Penalties
- Libel and Slander
- Abuse and Sexual Misconduct
- Issues outside of your scope of practice
- Disciplinary allegations

In a hospital or other care facility, your employer will likely maintain a Medical Malpractice Liability policy on behalf of the facility and its employees. In this circumstance, the program provides excess coverage in the event the facility coverage is insufficient. If the LPN does not work in a facility which provides Medical Malpractice Liability coverage, this program becomes primary to protect the individual. For LPN's who are self-employed or who do contract work, this liability insurance is critical protection. Providing your work in these roles falls within your scope of practice, you are covered.

This program has been developed with the LPN regulatory body for the benefit of the members and the public. It is important to understand your coverage and know you have protection against accidental errors in your day-to-day work.