

Medical Malpractice 101



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

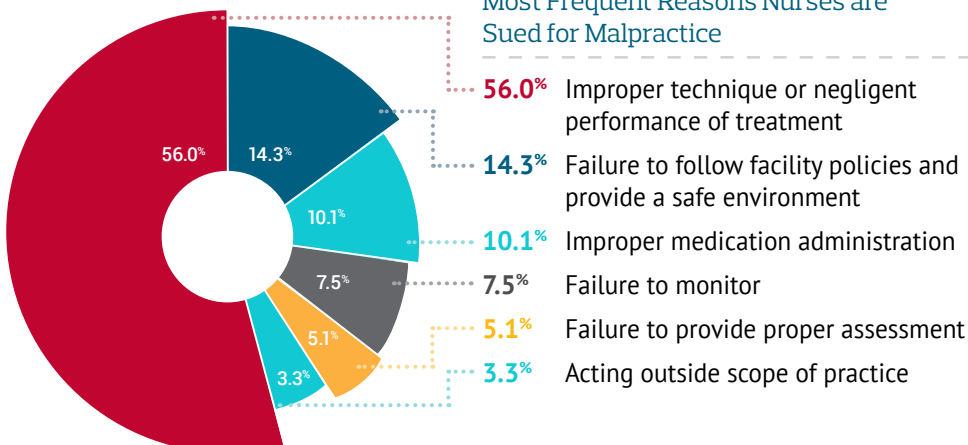
Types of recoverable damages:

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

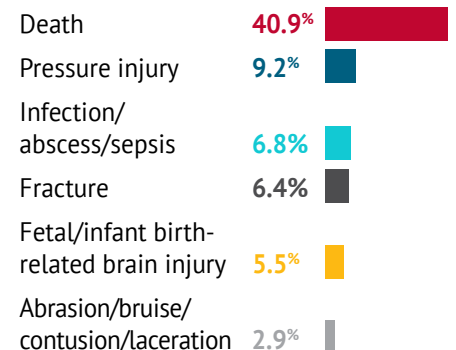
Common Medical Malpractice Allegations:*

- 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

Most Frequent Reasons Nurses are Sued for Malpractice



Most Common Injuries Resulting in Lawsuit



Providing protection for their assets and reputation

Professional Liability INSURANCE

(AKA MALPRACTICE INSURANCE)

Paying settlements and judgements for damages

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

Covering costs associated with hiring legal representation

Average Payouts by Injury¹



Fetal/infant brain injury
\$660,980



Amputation
\$400,847



Burn
\$139,819



Paralysis
\$506,491



Death
\$204,363



Fracture
\$123,760



Brain injury other than birth-related
\$500,776



Infection/abscess/sepsis
\$155,112



Abrasion/bruise/contusion/laceration
\$102,253

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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 claim²
- \$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:³

- **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.

\$35

Student Nurse

\$48

1st Year Graduate

\$71

2nd Year Graduate

\$95

3rd Year Graduate

\$119

Mature Policy Rate

¹ Resource: Nurse Professional Liability Exposure Claim Report: 4th Edition, NSO, CNA, September 2020

² 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.

³ 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.

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