Medical Malpractice 101

BROUGHT TO YOU BY: NSO

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

1 one
COMPENSATE VICTIMS OF NEGLIGENT MEDICAL CARE

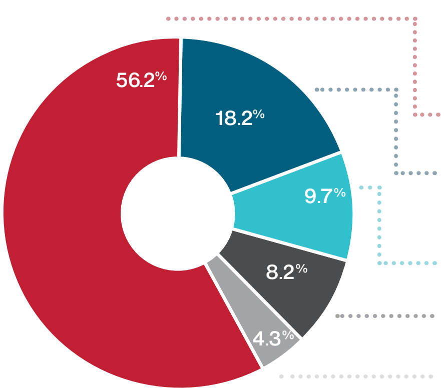
2 two
ENCOURAGE SAFE AND RESPONSIBLE MEDICAL PRACTICE

Types of recoverable damages:

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

Common Treatment and Care Allegations:*

- + Improper management of medical patient or complication
- + Improper technique or negligent performance of treatment
- + Improper management of surgical/post anesthesia care
- + Failure to implement protocols
- + Improper management of obstetrical patient



Distribution of Closed Claims by Allegation

56.2%	Treatment/care
18.2%	Patients' rights/abuse/professional conduct
9.7%	Assessment
8.2%	Medication administration
4.3%	Monitoring

Most Common Injuries Resulting in Lawsuit

Death	50.2%
Fracture/Dislocation	7.9%
Infection/abscess/sepsis	6.2%
Burn	4.5%
Head/brain injury	4.3%

Resource: Nurse Professional Liability Exposure Claim Report: 5th Edition, NSO, CNA, August 2025.

Professional Liability INSURANCE
(AKA MALPRACTICE INSURANCE)

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

- Providing protection for their assets and reputation
- Covering costs associated with hiring legal representation
- Paying settlements and judgements for damages

Average Payouts by Injury[1]

Fetal/infant brain injury	$759,485
Death	$267,343
Emotional/psychological harm/distress	$189,276
Head/brain injury	$379,270
Amputation	$346,266

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 provides:

- Up to $1 million of Malpractice Insurance per claim[2]
- Up to $25,000 of Licensure 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]

- up to **60%** first year discount
- up to **40%** second year discount
- up to **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.**

$44	Student Nurse
$61	1st Year Graduate
$87	2nd Year Graduate
$113	3rd Year Graduate
$138	Mature Policy Rate

[1] Resource: Nurse Professional Liability Exposure Claim Report: 5th Edition, NSO, CNA, September 2025

[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.

Nurses Service Organization is a registered trade name of Affinity Insurance Services, Inc. a licensed producer in all states; (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.

© 2026 Affinity Insurance Services, Inc. I-13632-0526

REQUEST A FREE QUOTE

nso®

| NSO.com | 800.247.1500 |