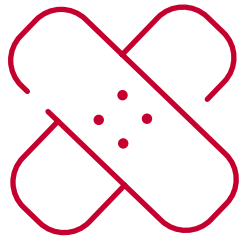


# Medical Malpractice 101



## WHAT IS MEDICAL MALPRACTICE?

Malpractice is a type of negligence that pertains to professionals. It is the failure to provide the degree of care required of a professional under the scope of license resulting in injury, death or damage.

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

#### Courts

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

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

#### Patients

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

- Even excellent nurse practitioners 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 PATIENTS WHO ASSERT DAMAGE DUE TO PROFESSIONAL NEGLIGENCE



## 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 |

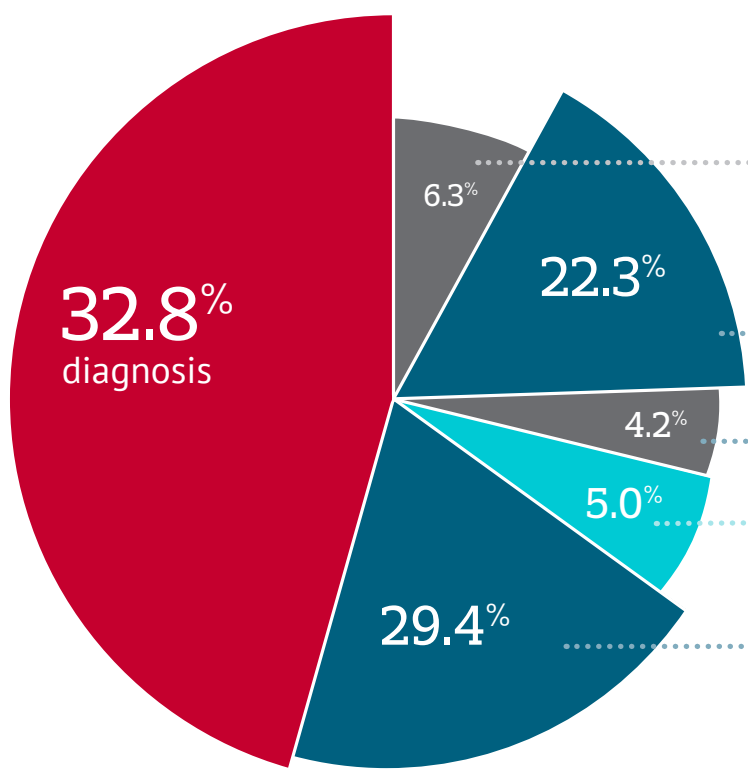
### Common Medical Malpractice Allegations:\*

- Failure to diagnose
- Improper prescribing/managing of controlled drugs
- Failure to timely/property establish and/or order appropriate treatment
- Failure to perform/document patient assessment
- Failure to recognize contraindication and/or known adverse interaction between ordered medications
- Failure to order appropriate tests to establish diagnosis



#### Alleged Injury Top 5 by Distribution\*

- 44.9% death
- 9.5% addiction
- 4.5% infection/abscess/sepsis
- 3.8% emotional/psychological harm
- 3.6% cancer



#### Distribution of Medical Malpractice Allegation Categories\*

- 6.3% assessment
- 22.3% treatment and care management
- 4.2% scope of practice
- 5.0% other\*\*
- 29.4% medication

\*CNA and NSO. Nurse Practitioner Claim Report: 4th Edition. 2017. www.nso.com/npclaimreport  
\*\*See Claim Report for additional details.

### Selected Average Payouts by Alleged Injury\*



Suicide  
**\$551,250**



Infection/abscess/sepsis  
**\$242,329**



Appendicitis  
**\$152,500**



Allergic reaction/anaphylaxis  
**\$464,667**



Cancer  
**\$239,375**



Addiction  
**\$64,815**



Paralysis  
**\$299,688**



Neurological deficit/damage  
**\$194,583**



Burn  
**\$56,500**



Pressure Injury  
**\$26,375**

\*CNA and NSO. Nurse Practitioner Claim Report: 4th Edition. 2017. www.nso.com/npclaimreport

Providing personal protection

## Professional Liability INSURANCE

Paying indemnity for economic and non-economic damages

| Professional liability insurance is coverage purchased by nurse practitioners to safeguard against medical malpractice allegations by |

Covering costs associated with hiring legal representation



### What to do if you have been named in a medical malpractice lawsuit?

If you become aware of a filed or potential professional liability claim against you, receive a subpoena to testify in a deposition or trial, or have any reason to believe that there may be a potential threat to your license to practice nursing, you should immediately contact your personal insurance carrier.

Report claims or potential claims to your insurance carrier, even if your employer advises you that it will provide you with an attorney and/or cover you for a professional liability settlement or verdict amount.

Never testify in a deposition without first consulting your insurance carrier or, if you do not carry individual liability insurance, the organization's risk manager or legal counsel.

Refrain from discussing the matter with anyone other than your defense attorney or the claim professionals managing your claim.

Copy and retain all legal documents for your records, including summons and complaints, subpoenas, and attorney letters.

| Request a free quote |



800.247.1500

