

# Think Your Employer's Malpractice Insurance Has You Covered? Think Again.

By: Jennifer Flynn, CPHRM, Vice President of Risk Management, *Nurses Service Organization (NSO)*

Nursing professionals carry a great deal of responsibility – and with that comes potential risk. If you're named in a lawsuit, the impact can be devastating: legal costs, stress, financial strain and even damage to your professional reputation.

Some nurses may assume their employer-provided malpractice insurance has them fully covered. That can be a costly misconception. These policies are typically paid for by your employer, carry your employer's name and ultimately prioritize your employer's interests – not yours.

On the other hand, an individual professional liability policy – also known as malpractice insurance – helps ensure you have adequate coverage. Whether you're a student, working full time or juggling multiple roles across different healthcare settings, carrying your own coverage can help protect your livelihood, license and peace of mind.

Here are five reasons why individual malpractice coverage may be worth serious consideration.

## **1. You May be Named in a Lawsuit or Licensing Complaint**

Surgeons, physicians and other medical doctors aren't the only healthcare providers vulnerable to lawsuits. Nursing professionals can also be sued for a range of reasons, including deviation from the standard of care, mistakes, improper advice, misdiagnosis or even perceived negligence. And in some cases, a nurse may need to defend themselves against allegations of negligence in a lawsuit without having made a mistake.

An individual policy can help cover defense attorney fees, court costs, medical damages and claim settlements, which can run into the thousands – even for a baseless claim. It can also

help cover costs to defend your license if a complaint is made to your State Board of Nursing.

## **2. You May Not Be Fully Covered by Your Employer**

Some of the best employer policies have coverage gaps. Remember, the primary purpose of your employer's policy is to protect your employer. That means if there is a conflict of interest and you are relying solely on your employer's policy, you may be required to pay out of pocket for legal fees and any potential judgements against you. Additionally, your employer's policy may only cover you if you are working within your scope of employment. Advice given outside the workplace – such as to a friend or neighbor – often isn't covered. And most employer policies don't include license protection coverage, leaving you on your own if you face a board complaint.

## **3. You May Volunteer or Have a Part-Time Job**

Employer policies usually don't follow you across different roles or locations. On the other hand, if you work part-time or in multiple healthcare settings, an individual policy helps ensure you're protected regardless of where or how you practice.

## **4. You Could Put Your Assets At Risk**

If a judgment against you is unpaid, a plaintiff may go after your personal assets – such as your home, savings, wages and even future inheritance. In some states, an unpaid judgment can even be considered a form of professional misconduct, leading to licensure issues.

## **5. You Deserve Peace of Mind**

The emotional toll of being sued can be overwhelming. Having your own malpractice insurance policy enables

you to help focus on what matters most – providing care – with the reassurance that you have legal and financial support if the unexpected happens and threatens the career you love.

## **Occurrence vs. Claims-Made Policies: Know the Difference**

There are generally two basic types of malpractice insurance policies:

- Occurrence-based policies, which cover incidents that happen during the policy period, regardless of when the claim is filed.
- Claims-made policies, which only cover claims filed while the policy is active, regardless of when the incident occurred.

## **You've Worked Hard for Your Career. Help Protect It.**

Nursing is more than a profession – it's a calling that requires skill, compassion and confidence. But even the most experienced and dedicated nurses can face legal challenges beyond their control. Individual professional liability insurance is a small investment that can help make a big difference. It helps offer critical protection when you need it most, so you can deliver exceptional care without fear of the "what ifs." ■