

School of Nursing Guidelines for Professional Malpractice Coverage

Faculty members are responsible for determining whether they have sufficient professional malpractice insurance in their role as a faculty member at the School of Nursing (SON). This is an individual decision based on numerous factors. These guidelines are intended to help clarify malpractice insurance provided by the University to faculty members and help faculty make informed decisions about the purchase of additional malpractice coverage. UNC Risk Management Services, the Risk Manager for North Carolina Public Officials and Employees Liability Commission and University Counsel have reviewed and endorsed these guidelines.

1. Faculty members who have administrative or clinical teaching assignments, regardless of nursing education, licensure, or certification, are not required to purchase additional malpractice insurance for their faculty position if their assignment is strictly clinical teaching and/or administrative.
2. Faculty members who are registered nurses or advanced practice registered nurses (nurse practitioners, clinical nurse specialists, certified nurse midwives, certified nurse anesthetists) and who render nursing services will need to have professional malpractice insurance beyond what the University provides. In general, the University does not provide this malpractice coverage for practice outside the normal faculty role. However, most clinical agencies provide this coverage for faculty with practice contracts. The School of Nursing can help negotiate for malpractice coverage to be included with faculty practice contracts.
3. Even if faculty members do not regularly practice but periodically provide nursing services to clients, patients, or advise colleagues or neighbors, they are encouraged to seek additional professional malpractice coverage.

Although not required for faculty who only function in their faculty roles, many faculty members will prefer to purchase their own malpractice coverage in the event that they exceed the scope of faculty work and are at risk for liability (e.g. by providing advice to colleagues, friends, neighbors, etc.) The following guidelines apply to faculty members who are nurses (in any nursing category) or advanced practice registered nurses and who function strictly in an administrative or clinical teaching capacity:

- Coverage from the North Carolina Defense of Employee Act and the Employee Excess Liability policy applies to faculty members who act within the scope and course of their SON employment, or as a first responder, and who function strictly in an administrative and/or clinical teaching capacity. This coverage extends world-wide, even in a hospital clinic or elsewhere in a hospital, as long as the faculty members are acting within the scope and course of their SON employment and are not employed by, or working for, the hospital proper. The SON does not have reason or an obligation to purchase medical professional liability coverage for these faculty members who act within the scope and course of their SON administrative or preceptor clinical teaching capacity employment.
- Any claims are situation specific and are subject to the interpretation of the State Attorney.
- Faculty members who practice outside of their scope of SON employment will not be covered by the NC Defense of Employee Act and the Employee Excess Liability Policy.

All faculty members are encouraged to consider the following:

- Professional malpractice insurance carriers will only offer insurance for one's highest level of education, licensure or certification.
- Some carriers offer insurance coverage for part-time malpractice coverage. Faculty members who work full-time with split responsibilities with practice and teaching will need to explore whether the insurance coverage will process claims if part-time malpractice insurance is purchased (rather than full-time). Insurance companies may not process claims if part-time malpractice insurance is purchased yet the faculty member works full-time, regardless of type of workload responsibilities.
- Faculty who practice actively may choose to purchase additional malpractice coverage even when one's employer or practice agency offers coverage. Nurse Practitioner and Attorney Carolyn Buppert offers online articles regarding malpractice insurance at <http://www.buppert.com/articles/>. It is recommended you review your employer provided professional malpractice coverage to determine if it is sufficient to cover advance practice nursing.
- "Occurrence" coverage is recommended rather than a "claims" policy so that coverage is available at the time of a lawsuit regardless if the policy is still in effect. Consider purchasing a "tail" policy following a claims-made policy.
- Avoid discussing presence or absence of professional malpractice insurance with clients/patients/families.

The American Association of Nurse Practitioners has published recommendations about Nurse Practitioner's need for malpractice insurance which are available at <https://www.aanp.org/>.

The National Association of Pediatric Nurse Practitioners (NAPNAP) has a position statement on malpractice insurance which is available at [http://www.jpedhc.org/article/S0891-5245\(15\)00153-4/pdf](http://www.jpedhc.org/article/S0891-5245(15)00153-4/pdf) .

Other websites which may be of interest:

<https://cmfgroup.com>

<http://www.nso.com>

<http://www.profrisk.com>