

The Value of Nursing Student Professional Liability Insurance

written by Nancy Brent | May 26, 2016

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Those of you who are student nurses most likely have been required to purchase professional liability insurance until you complete your nursing educational program. Some of you may have purchased it on your own, even though your school does not require you to. In either case, owning your own professional liability insurance is essential for many reasons.

To begin with, when one is a named insured on an insurance policy, the insurance company is obligated to represent you and your legal interests covered under the policy. As a result, should you be named in a suit, an attorney is appointed to represent you during the pendency of the litigation.

This is important because for the cost of the policy, you have an attorney that represents you and you do not have to pay for this representation in addition to the money you paid for the purchase of the policy. Second, this attorney is your legal representative alone, ensuring you are legally protected during the suit.

If a judgment is entered against you in a professional negligence suit and the allegations are covered under the policy, the payment that must be paid by the court's order is also covered by your policy, up to the limits of your policy. That's why it is essential to purchase as much coverage as you are able to afford or are required by your program to purchase.

You may wonder if nursing students are really sued while in their nursing programs. The answer is a clear "yes". When professional negligence is alleged against a nursing student, four elements must be proven by the injured patient. They are:

1. A duty owed the patient;
2. A breach of the duty owed to the patient;
3. The breach of the duty is the direct cause of injury to the patient;
4. The patient suffers injury.

Once all the evidence and testimony is in, the jury is instructed to compare the student nurse's conduct with the overall standard of care for a nursing student: Did the student's conduct conform to what other ordinary, reasonable and prudent graduate nurses would have done in the same or similar situation in the same or similar locality.

Part of your responsibilities as a student nurse, then, is to provide competent and safe care to patients

as a graduate nurse would. This includes competency in both the classroom and the clinical setting.

Although there are no “sure-fire” ways to always avoid an inclusion in a lawsuit when a patient injury occurs while providing care to a patient, there are many risk-management approaches that can help you avoid, insofar as possible, exposing a patient to an unreasonable and foreseeable risk of harm, which is another aspect of professional negligence. Remember to:

1. Always be prepared for your clinical rotation;
2. Be sure you practice specific patient care in your nursing skills lab and are certified/passed in specific treatment methods before providing care to a patient in your clinical setting;
3. If you feel you are not competent or safe in performing a specific treatment or feel you are not safe to practice on a particular clinical day, speak with your instructor or preceptor and ask to be excused from clinical for the day, based on your program’s rules concerning an absence from clinical;
4. Never perform patient care alone when supervision by your faculty member or preceptor is required;
5. Never practice outside the scope of nursing practice as defined by your state’s nurse practice act regardless who is supervising or precepting you;
6. When in doubt about something you are asked to do in the clinical area, contact your faculty instructor immediately;
7. Know what your agency requires when in the clinical area and follow those requirements carefully;
8. Know what your course syllabus requires about your clinical experience and your responsibilities and follow them carefully;
9. If a problematic incident arises in the clinical area (e.g., you give a patient a wrong medication or a wrong dose of the right medication), contact your instructor, charge nurse and preceptor immediately;
10. Document accurately, honestly, and completely in the patient’s medical record;
11. If using EHRs, do not lend your access code to anyone;
12. Maintain patient privacy and confidentiality at all times;
13. Identify yourself as a nursing student to patients and families;
14. Ask for the patient’s permission (informed consent) to provide the care or treatment you are about to provide; and
15. Remember to incorporate your ethical responsibilities to the patient and his/her family as well during your clinical rotation.

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