

How Does a Job Description Help You Avoid Professional Liability?

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When applying for a position in any health care setting and in any area of nursing practice, a job description of the position is an essential first step in deciding whether or not the job is for you and you are for the job.

Job descriptions may vary in their style but should at a minimum include:

- the job title;
- reporting relationships;
- the department the job is located in (e.g., Nursing);
- where the job is located (e.g., ABC Hospital or XYZ Long Term Care);
- persons to whom the job holder reports (e.g., nurse manager of the unit);
- Fair Labor Standards Act status—exempt or non-exempt
- purpose (s) and objective(s) of the position (e.g., provide nursing care to Infants in NICU);
- required education, credentials and experience; and
- responsibilities of the position. (1)

If you apply for a job and the job description does not fit your capabilities, your educational experience or what you are looking for in that position, you must cautiously evaluate whether the job is for you.

Undertaking responsibilities for which you are not prepared, either educationally or personally, can lead to mistakes in patient care, discouragement with the position, and a general feeling of dissatisfaction with the work you are required to do, as examples. None of these feelings lend themselves to quality patient care. (2, 3)

Job descriptions are also essential in maintaining boundaries around your scope of practice in that position. If a patient injury or death of a patient occurs, and a suit is filed, one of the documents that will be asked for during the discovery phase is your job description. Conformity with what your responsibilities are is helpful in such a situation and not helpful at all if you exceeded what your established job parameters are.

As an example, let's say that your job responsibilities, as well as your standard of practice, required you to contact a patient's physician when there was a change in the patient's condition. You decided that calling the physician was not necessary despite the patient's change in his health status. The patient's condition continues to worsen and causes an injury to the patient. If the patient sues the facility and

names you as a defendant as well, your job description, along with other evidence, could be introduced into evidence to prove you did not do what you were hired to do insofar as notifying the patient's doctor. The non-intervention into the changing health status of the patient will also be connected to the cause of the injury to the patient by the plaintiff's attorney.

The non-conformity with your job description can also support a rift between you and the employer during the trial. A plaintiff's attorney is always pleased when there is a clear disagreement between the defendants during a lawsuit. In the example above, the employer is clearly at odds with you because you did not follow your job responsibilities and that conduct resulted in the injury to the patient. As a result, the employer may try to shift the blame for the patient injury entirely to you by testifying, in essence, that *had you only* contacted the physician, which was part of your job responsibilities, the physician could have intervened and no injury would have occurred.

So, a job description for the job you are seeking is important for many reasons. Don't accept a position without carefully reviewing it and, if you decide to take the job, be certain to carry out your responsibilities in conformity with the description. Doing so is a good risk management strategy.

FOOTNOTES

1. "Contents Of A Job Description". Available at <http://www.humanresources.hrvinet.com/contents-of-a-jobdescription/>. Accessed June 24, 2012.
2. McHugh, M.D., Kutney-Lee, A. and others (2011), "Nurses Widespread Job Dissatisfaction, Burnout, and Frustration With Health Benefits Signals Problems For Patient Care", *Health Affairs* ,30(2), 202-210.
3. Wilkins, K. and Shields, M. (2008) "Correlates of Medication Errors In Hospitals", *Health Report Statistics Canada, Canadian Centre For Health Information*, (19)2, 7-18.

GENERAL REFERENCE

Nancy J. Brent (2001), "Professional Negligence: Prevention and Defense", in

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W.B. Saunders Company, 78.

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