

## Liability Issues for Parish Nurses and Faith Communities

### Professional Liability:

Parish nursing is a professional health care ministry within a faith community that depends on licensed registered nurses to do the work. Because of the independent nature of the position and the expertise of the professional, it is important for each parish nurse to have malpractice insurance to protect her/himself in today's society. For some nurses and churches, finding the right insurance is a new task so when searching there are a few things that will be helpful. Use the following list to begin your search. Remember that every insurance company is different so be sure to discuss with the insurance representative the role of the parish nurse and the specific needs for the church.

- If you work at a facility, talk with an HR person to determine what coverage you have and what additional activities (outside of work) their policy will cover – if any.
- Locate a reputable insurance carrier and discuss your potential needs. Determine what size policy you will need for your tasks/responsibilities.
- Outline your duties to lead your discussion. The risk in parish nursing is generally low but you need to know your position.
- Check with your denomination to see if they have any liability coverage that you could tap into. It might have coverage through a policy at your region, synod, diocese, or national level. If there is none at that level, check with your individual church's policy to see if they will add a rider to cover parish nursing.
- Discuss options with representatives for your personal insurance policies, like home and auto. Many companies offer professional liability insurance that can be added to a homeowner, life, or auto policy.
- Before purchasing a policy, investigate what type of coverage is needed to address the standards of practice for parish nursing and your specific role.

### On-line Resources for insurance:

- [www.npjobs.com/malpractice/mag.myth.vs.fact.shtml](http://www.npjobs.com/malpractice/mag.myth.vs.fact.shtml) - "Professional Liability Insurance: Myth vs. Fact" – from Marsh Associates, Park Ridge, IL
- [www.npjobs.com/malpractice/index.shtml](http://www.npjobs.com/malpractice/index.shtml) - contains links to important information on malpractice insurance
- <http://global.marsh.com/index.php> - MARSH – a service of Seabury & Smith, Park Ridge, IL – can find a quote for professional liability (approx \$100)
- [www.personal-plans.com/anacma/welcome.do](http://www.personal-plans.com/anacma/welcome.do) - policy information from the American Nurses Association – apparently goes through MARSH also
- [www.nso.org](http://www.nso.org) – Nurses Service Organization offers malpractice insurance through the American Casualty Company for approximately \$100
- Visit your personal insurance company to investigate professional liability riders for current policies

To decrease your risk of professional liability issues:

- Create and maintain a strong line of communication between yourself and the church, staff, client, client's family, and any other stakeholder.
- Have a well-defined job description for your position in the church and work within the boundaries and functions of the scope and standards of this specialty and general nursing.
- Maintain a documentation system that supports your actions as parish nurse.

### **Automobile Coverage:**

Liability insurance for clients and volunteers riding in the personal vehicles of parish nurses needs careful investigation also. Many auto policies vary on how occupants are covered in various situations so again discuss this with your personal insurance representative. Following are some issues that need to be discussed when looking for the proper auto coverage.

- Explain to your representative who you are transporting and for what purpose you are transporting them.
- Describe your organization and your relationship to those you transport as that will determine the kind of insurance you will need. Ex. Are you part of a non-profit organization, are you transporting people according to the dictates of the organization, are you a volunteer or a paid person of a non-profit organization, how are you being reimbursed for the service (gas mileage, salary, etc.).
- Your representative will be able to inform you whether you have the proper insurance coverage.

Your options for coverage are as follows:

- Your personal coverage may include an exception that allows for the transportation of individuals for a 'non-profit' or 'religious' organization. In this case no additional insurance is necessary.
- You may need what is called 'transport for hire' insurance since you are transporting people for a specific reason as a service to that person because of your position in the organization.
- The church may have a blanket auto policy that covers anyone transporting members to/from activities or as a service of the faith community.
- The church may need to purchase a rider for your specific position to expand the coverage of their existing policy.
- The church may need to purchase a separate policy for the 'transport for hire' situations.
- If additional insurance is required to protect you and the faith community, the church should be responsible for the additional cost since it is related to the position and not just to the person in the position.

It is important that every parish nurse discusses this issue with both the church and his/her personal auto insurance representative to make sure everyone in the vehicle is appropriately covered. Even a fender-bender can cause issues requiring medical treatment so take the steps to obtain the correct insurance before any concerns can arise.

### **Volunteer Liability:**

Many of the same issues exist for volunteers as for parish nurses. It is important to review the duties of any volunteers in the organization and to determine which roles may be open for an issue of liability or concern. Start at the beginning and prepare well.

- Create job descriptions that outline the expectations and skills for the particular volunteer role. They don't need to be lengthy but they will help the volunteer understand his/her boundaries and role.
- Develop a training program for the volunteers to explain issues that could lead to liability concerns and to make sure the volunteers have the necessary skills for the task.
- Hold training sessions for new volunteers and updates/reviews for existing volunteers to continually educate them on the dos & don'ts of helping others.

For insurance coverage, again discuss your coverage needs with the church's insurance carrier. Using the guidelines from the nursing professional liability insurance section will prepare you for any conversations with church committees or insurance representatives. Insurance options and sources for information are listed below:

- The church should have a provision in the policy that covers the volunteers. If not, discuss options with the insurance representative.
- The Volunteer Protection Act of 1997 provides some protection for the volunteer who functions in good faith but does not cover the organization for which the volunteer 'works.' Again, discussion with the agent can sort out the church's needs.
- There are a few websites with information on liability issues with volunteers that might be helpful.
  - [www.nonprofitrisk.org/library/articles/insurance052004.shtml](http://www.nonprofitrisk.org/library/articles/insurance052004.shtml) - Non-profit Risk Management Center has a lot of information regarding volunteers
  - [www.nonprofitexpert.com/volunteers.htm](http://www.nonprofitexpert.com/volunteers.htm) - explains issues with volunteers and includes many reputable sites for additional information – some sites are commercial but the list is varied in type of sponsoring organizations