



MALPRACTICE —
DO I NEED MY OWN POLICY?

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Objectives:

- Understand what is malpractice and how to analyze your risk
- Define malpractice and the difference from negligence
- Discuss elements for a successful malpractice claim
- Describe the types of malpractice policies and how they apply to you

Elements of Malpractice

- Was there a duty owed?
- Did you breach the duty?
 - Measured by:
 - Standard of Care: What would the reasonably prudent APRN do in the same or similar thing in the same or similar circumstance?
 - Journals, EBP
 - Expert witnesses
 - Commonly known practices
- Did the breach cause the harm?
 - But for Causation - but for your negligence, patient would not have suffered harm
 - Measurable harm- has to be a measurable damage, not just emotional. Physical manifestation of harm.
 - Monetary harm- pay for additional health care, lost wages, etc.

Types of Malpractice Insurance

- Claims Made - remember the Tail policy
- Occurrence
- Federal Tort Claims Act (FTCA) protection

Questions???

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