Avoiding Malpractice
Tips for Social Workers to Manage Risks

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Top 5 FAQs from NASW Chapter Reviews

NASW members have questions ... and we have answers.

While working ASI booths at NASW Chapter conferences around the nation, and at other events, we have received many similar questions that appear to be core issues among social workers. Here are the top five most frequently asked questions with answers.

1 *Do I really need a professional liability policy since I am an employee and my employer covers me?*

Your professional liability insurance policy is for you. You are the designated insured. Your policy is designed for the NASW RRG to shift the many stated risks, or perils, as listed in the policy contract from you to the NASW RRG as the insurance company or carrier. Your employer's insurance policy may cover you in some circumstances, but not all. The employer's policy is designed to protect the employer's interests. Incidents vary widely, and many fall through the cracks of your employer's insurance coverage. Remember that your employer buys insurance to protect the employer first, and you second, if at all. Malpractice allegations always arise, and you will certainly be named in the complaint. An RRG Professional Liability policy with a first-year annual premium of only about $40, is well worth the cost for your peace of mind.

2 *I am starting my own practice and company, and I may hire contractors and/or employees. What do I do?*

Remember that most insurance policies are sold through commission-driven insurance agents. They receive up to 30% of your premium as their sales commission each year, so you are paying too much. Also, many insurance policies require that you pay a deductible. No deductibles are required under any NASW RRG insurance policies.

Avoiding Malpractice is a publication of NASW Assurance Services, Inc.
as part of our mission to educate social workers on the benefits and importance of liability insurance.
For more information visit www.naswassurance.org.

Buy an NASW RRG Professional Liability policy directly from the NASW RRG. There is no sales agent commission. Ask about adding additional insureds such as employees and contractors. The premium upcharge of $25 is minimal. You can always call the NASW RRG to add additional insureds when you need the coverage. Typically a $1 Million/$3 Million limit is sufficient, especially for small or start-up practices.

An NASW RRG General Liability policy is also highly recommended, and is required by your Landlord if you rent an office, because it covers you and your entire practice for the major perils. The major perils include liability for slip and fall, bodily injury, personal injury, advertising injury, third party property, and fire legal liability. If you lead sessions or conduct therapy off-site, such as in a rented hotel conference room, or in another area outside of your office, and an attendee, or your client, is a victim of a pocketbook theft, for example, the GL policy covers this third-party loss. The NASW RRG General Liability policy annual premium starts at $159 per year which is about one-third of all other insurance company competitors for the same level of coverage limit of $1 Million/$3 Million.

We also recommend an NASW RRG Cyber policy (CLCS), Cyber Liability Choice Select. This policy protects you from HIPAA imposed punishment, and the premium starts at $59 per year for $5,000 in coverage. Additional coverage up to $25,000 is available too. CLCS covers all of the major cyber liability perils including legal defense, state and federal fines and penalties, damages, computer security breach expert audit, client notification costs, and ID theft subscriptions for victims. A small optional first-party coverage endorsement is available for your administrative employees and contractors. This way you are covered for both first-party and third-party information breach, and truly HIPAA compliant protected.

3 *If I have my own professional liability insurance policy, does that make me more likely to be targeted and named in a lawsuit?*

NO. Regardless of coverage, when an incident occurs, the plaintiff's lawyer will name you in the lawsuit. This is common legal practice, and actually proper, so the plaintiff's lawyer is not sanctioned for malpractice.

4 *I work for several employers and moon-light. How does that affect my coverage?*

Not at all, as long as you buy the NASW Professional Liability insurance policy, because it covers you no matter how many employers you have, and covers you if you own your practice, and covers you as a part-time and/or full-time worker. You are not required to report employers or worksites, and you are covered 24 hours per day, 7 days per week.

5 *My license to practice is still valid, but I am not practicing (some are retired, some are taking a career pause) … should I still keep my insurance coverage active?*

Yes. Often times you participate in informal discussions with peers and associates, even during voluntary Board meetings. Even if you randomly meet an acquaintance and discuss an undisclosed client, you are at risk when a lawsuit is filed against the acquaintance and the resulting subpoena identifies you in dialogue, and then you are subpoenaed too. And you are probably named in the lawsuit as well. This curbside counsel with advice exchanged pulls you into the case, notwithstanding the existence of a license.

Be sure to promptly consult with the NASW RRG Help Line for issues related to your professional liability risks as they arise. As an NASW RRG policyholder, you are entitled to unlimited Help Line consultation regarding malpractice risks.

NASW Assurance Services, Inc. · 50 Citizens Way, Suite 304 · Frederick, MD 21701 · asi@naswasi.org