

Avoiding Malpractice

Tips for Social Workers to Manage Risks

February 2020



What's in Your Insurance Portfolio?

Have you heard the expression:

"My lawyer wishes me a Happy New Year, but makes no guarantees!"?

The NASW Risk Retention Group (NASW RRG) makes guarantees because our liability insurance policies guarantee to cover you for the stated risks and resulting damages.

The New Year marks the start of new goals like pledges to be more organized, to lose weight, to manage income better, or to engage in other healthy actions.

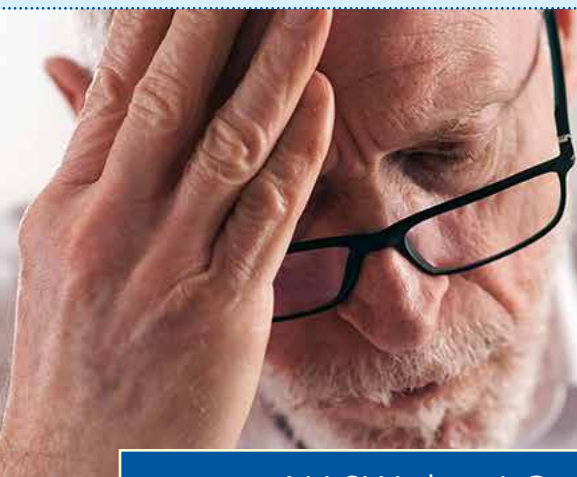
It is also an excellent time to complete another important healthy action: *conduct an insurance review.*

Basically, this is a security review to assess your risk exposures.

First, think about your professional goals and planned activities for the new year compared to last year. This is what drives your liability insurance coverage needs.

We often see that practitioners assume new modalities, practice in new locations, moonlight, and perhaps add staff. The key in your security review is rooted in your **RISK EXPOSURE...existing and new.**

Here are some basic questions and risk exposures to ask about to determine your liability insurance coverage for the new year:



Did You Know...

if one of your clients is injured at your office

YOU can be SUED?

NASW does! General Liability Protection is a critical option protecting your practice if injury or property damage occurs to others as a result of your business operations. You can be sued for almost anything ... *even if you didn't do anything wrong!*

For More Information call 888-278-0038 or email asi@naswasi.org

1. Am I using contractors, full-time or part-time employees, interns?
2. Will I be delivering professional services and other new modalities and new therapies?
3. Will I be working in offsite venues such as fitness centers, home care, assisted living venues, swimming pools, hotel conference rooms, field trips, clubs employers, community centers, corporation campus and office venues, or other clinical offices and settings?
4. Will I be starting a new practice, be an employee, even a moonlight employee, or be a contractor myself?
5. What jobs will I perform in my home or home office?
6. Who will visit my home because of my job? How often?
7. Is a certain part of my home dedicated to a work office or work area?
8. How am I handling client records? Do I use an external records vendor for storage, or a vendor who has access to my records simply while moving the boxes of files?
9. What are my General Liability, Professional Liability, and Cyber Liability insurance policy limits and sub-limits? And, what are my coverages, benefits, and exclusions?
10. What are my policy deductibles and premiums? Premiums are steadily increasing in the insurance market at least 5%, and in some cases 10% annually.
11. Are there any waivers outstanding, or that I anticipate either issuing myself or signing? Waivers are particularly prevalent when you deliver professional services in other venues or for employers.

There are numerous insurance solutions to these questions that the liability suite of NASW RRG policies provide; and none have deductibles.

For example, the new NASW RRG professional liability policy has lifetime coverage standard, at no extra cost to you. It covers up to 76 allied health occupations and modalities with optional endorsements that you can select.

These endorsements cover professional liability for services provided at offsite venues with enhanced medical and emergency benefits; a variety of named insureds such as interns, contractors and

employee; additional insureds such as employers, schools, government venues, and owners in other locations; records and client data breach coverage; and many other options to tailor the professional liability policy to your needs.

The NASW RRG general liability policy continues to cover all modalities in any and all locations, with no office size limits, and no limits to the number of offices, even across state lines in all 50 states, with no deductibles. Unlike all competitors, there is no fire peril sub-limit in the NASW RRG general liability policy.

Liability insurance policies vary when a loss is connected to a business invitee versus a homeowner’s guest. For example, hot coffee spilled on a business invitee in your home office may not be covered by your homeowner’s insurance policy. You would need a commercial general liability policy. The NASW RRG general liability insurance policy is extremely comprehensive, has zero deductibles, and is extremely inexpensive, about half of what all competitors charge. It makes a lot of sense to buy the NASW RRG general liability policy as well as an NASW RRG professional liability policy.

The NASW RRG cyber liability plans continue to protect insureds for all of the perils listed by HIPAA and more. Again, unlike our competitors there are no deductibles.

Regarding point #11 above, regarding waivers in the insurance market, here is what you should know. To “waive” something means to intentionally give up your right



Mistakes Happen
*Not Having Proper
Coverage Doesn't Have
to be One of Them*

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or interest. Waivers are frequently used to benefit the person or organization that requests you to sign the waiver.

The reason behind the request for a waiver is to avoid the legal consequences that arise from your actions or inactions. For example, a fitness clinic will likely require you to sign a waiver arising from claims incidents in connection with physical therapies, aerobic classes, exercise training, sports activities, and even field trips. This is another reason why you need to buy your own professional liability insurance policy.

Local or state laws may preclude the enforceability of certain waivers, such as a parent signing away a minor's right under a waiver. State laws may still hold liability for certain acts, regardless of any waiver or agreements to avoid vicarious liability.

So a waiver may not necessarily protect you if you require an employee to indemnify you though a waiver. Moreover, you may require certain waivers to be signed by your clients.

But strict enforceability is subject to many elements such as activity sponsor, injury or damage, age of the person and cognizant ability required to sign the waiver (minor or senior?), and the qualifications of the staff holding the activity.

In closing, think about your professional goals and planned treatment and therapy activities for the new year compared to last year. Then reconcile the insurance coverage that you have in place to verify that you are protected. You may be under-insured or not insured at all.

Feel free to call NASW Risk Retention Group, 888-278-0038, to speak with our licensed insurance agents for free, and assess your liability risks and insurance coverage needs.

Not all professional liability insurance policies cover patient records breaches, so read your policy carefully. The NASW RRG professional liability policy is the most comprehensive in the industry. The NASW RRG also offers a low-cost cyber liability policy that protects the practitioner against third-party information breach for which HIPAA holds the practitioner accountable.



Learn more about our Professional Liability Insurance for social workers by visiting www.naswassurance.org.

Our exclusive program is the only program endorsed by the National Association of Social Workers. To speak with a knowledgeable, licensed insurance representative, call 888-278-0038.

