It's time to schedule your annual malpractice check-up . . .

You've just finished a 12-hour shift in the operating room. In your 15 years as a CRNA, you have come to expect that this sometimes happens—especially, if like, today, a couple of emergencies are ushered in just as you are finishing your scheduled procedures.

You walk into your home or apartment, kick off your shoes, and start going through the mail. It looks like the regular run-of-the-mill stuff—bills, bulletins, and solicitations. But, right in the middle of the pile is an official looking envelope from a law firm. You open the envelope and begin reading, “This is to advise that we represent John Doe and as a result of your improper professional services he is seeking the sum of $1,000,000 from you, etc., etc.”

If this situation were to take place for “real” today with you as the defendant, do you know (without checking) exactly where you stand with your professional medical liability insurance (malpractice)?

Fortunately, most CRNAs will go through an entire career without receiving “suit papers.” However, more and more are having claims brought against them, with many suits growing out of these claims. Percentages and probabilities should not be thought of as a protective shield against malpractice claims and suits. The severity of the claims involving CRNAs and the fact that any patient (or estate) can bring an action at any time (subject to the statute of limitations), means you are only a phone call or a letter away from a possible major law suit.

Why not double-check your own situation to make sure you are adequately protected? The time to do it is before not after a claim or suit is brought. This article, though not an all inclusive checklist against all possibilities, provides examples of the more common practice situations and types of coverage found.

Basic practice situations
Generally CRNAs will fall into two groups:
1. Self-employed (independent contractors), or
2. Employee (either by hospital, clinic or individual physician).

The following are general comments for each category:
1. The self-employed CRNA normally provides his or her own malpractice insurance. If you practice with
others in a group either as a partnership or corporation, make sure the policy does not restrict your coverage, such as limiting you to practice in one particular hospital or only on prescheduled procedures.

2. The majority of you will be employees. In many cases, your employer will provide malpractice insurance for you. Do not rely on a verbal confirmation of this point. (It simply is too important to just have a conversation on which to rely.) Ask for a certificate of insurance which shows that you are an additional or named insured.

The certificate of insurance should also state that in the event the policy is cancelled or not renewed you will be given prior written notice. You may have to follow up several times to get the certificate, but it is a document vital to your practice.

If you do any “moonlighting” or if you work at two institutions on a regular basis, make sure you know just where you stand.

Many hospitals are either self-insuring up to substantial limits or are going “bare” with no insurance. Once again, now is the time to find out—in writing—just how your hospital will protect you as an individual employee.

Limits of insurance

Make sure your limits of insurance are adequate. CRNAs do not face a frequency of small claims. Experience shows that severity is the thing to be concerned about. Some of you have elected not to buy malpractice insurance due to the current premium levels. Some do not carry it since they feel that with their training and expertise, they assume that they do not need it as they will never have a claim.

It should be pointed out that although a claimant may not be able to prove malpractice in court and receive a judgment, you will still have to defend yourself. The cost of such defense could run into many thousands of dollars. For this reason alone, malpractice insurance is important. Plus, no one knows how a jury will respond.

Conclusion

As stated previously, these are typical coverage considerations. State laws do vary and any general comment is always subjected to local conditions. If you have any specific questions, call toll free to William M. Mercer, Inc., the insurance administrator for AANA at (800) 621-0299.

And, make it a point to check-out your own malpractice insurance situation within the next two weeks. Now is the time to do it, not after you hear from the plaintiff’s attorney—and make it an annual checkup!