

Malpractice Insurance
SART Listserv
October 2007

States are listed as a reference; not as a statewide perspective.

Background:

We are starting a SANE/SART and while interviewing potential RN's for sexual assault nurse examiners (SANEs), several wanted to know about malpractice coverage. Some have malpractice with NSO (Nurses Service Organizations) and others want our organization to provide the coverage. Can a SANE group get group coverage for whichever nurse is on call? Do other SANE Programs have malpractice coverage for their nurses? Since they receive a fee for the exam, does that create an employer/employee relationship?

Michigan

- Our SANE program is a non-profit organization that houses an independent program.
- Each SANE is responsible for providing their own malpractice insurance.
- As part of our nurse's contract, the nurse cannot perform a case until the SANE Coordinator receives proof of valid insurance.
- Our nurses are credentialed in a local hospital to perform a SANE exam if the patient is not medically stable enough to be discharged from the ER.

Louisiana

- I have had NSO insurance for years.
- When I started practicing as a SANE, I called them and they said I didn't have to do anything differently. Just keep renewing every year. (But they didn't ask me exactly what I was doing as a SANE).

Texas

- We have established a non-profit SART Foundation to fund our SANE Program and have a community-based SANE Program.
- We require the SANEs to maintain individual malpractice insurance and we reimburse them up to \$125 per year against their costs.
- Our SANEs are considered employees of the SART Foundation, because we pay them to be on-call. (The Foundation does not pay SANES for performing the exams).

California

- Each SANE is required to carry their own malpractice insurance.
- They are regarded as independent contractors so there is no employee/employer relationship.
- The insurance is less than \$100.00 per year.

Wisconsin

- We are a non-profit nursing service that provides contract care at a hospital in the Emergency Department.
- We had a site visit arranged by NSO and the program paid for group coverage.
- It was affordable. The only snafu was that nurse practitioners are billed at a much higher rate.
- We ended up paying the same amount for everyone and the NP's paid the difference. Not the best resolve but equitable.

Malpractice Insurance SART Listserv January, 2006

Issue: Do Forensic Examiner Programs cover malpractice insurance and is it higher due to specialty certifications?

Overview of Listserv Discussion:

- Nurses need to carry their own malpractice insurance
- Nurse Practitioners (NP) malpractice insurance is higher than RN's but SANEs do not practice at a NP level. This may not matter to insurance carriers.
- If nurses already have malpractice insurance, it will cover them during their SANE work.
- Key issue is whether nurses are considered "staff" at a facility (where that facility can be liable for its staff's actions) or if nurse's contract with an organization and the organization agrees to be named as "an additional insured" on the nurse's malpractice.
- "Contracted or self-employed SANEs are charged \$400-\$600 per year for RN's and higher for NPs.
- In our program, nurses sign a contract with law enforcement to be on-call to provide forensic examinations. The first couple of years there was no difference in premiums from a "staff RN" because they were not Nurse Practitioners or working in high risk areas such as Labor and Delivery. The year before last insurance carrier realized that nurses were actually self-employed and premiums increased.

MI. (Lapeer County)

- Covers liability insurance but SANEs cover malpractice insurance; which would be around \$100 a year.
- A certified Nurse Midwife and an RN has advised the program that malpractice insurance is much more expensive due the specialty.

New York (Westchester County)

- Nurses carry their own malpractice insurance.

- Nurse Practitioners (NP) insurance is higher than RNs.
- In our forensic exam program, the Nurse Practitioner functions as an RN.
- In my opinion, every practicing RN and NP should carry their own malpractice insurance; regardless of whether they are working as a Forensic Nurse Examiner.

MI (Battle Creek)

- Our nurses carry their own malpractice insurance, as do most practicing nurses.
- If the nurses already have malpractice insurance, it will cover them for their SANE work.