



KEEPING UP WITH CLINICAL RISK MANAGEMENT

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Navigating Liability Risks When Employees Volunteer at Community Medical Events

It never seems to fail; the individual responsible for the organization’s insurance receives a call on a Friday afternoon or a couple of days before the event with the question, do we need any specific insurance, or should we be concerned about sending one of our employees to provide medical care at a community event? There are different factors to consider, depending on whether a third party is offering the event or the employer is sponsoring the event.

THIRD-PARTY SPONSORED EVENTS

Here are some things to consider when your employee is [volunteering medical care](#) at a third-party sponsored event:

Professional Liability Insurance

[Good Samaritan laws](#) may not allow full legal protection when a provider volunteers at a community event, especially for non-emergent services. Therefore, they could be liable for any injury or negligence to a third party they treated. Thus, the volunteering provider may be relying on their personal professional liability insurance or coverage through the event organizer, if provided.

Professional liability insurance coverage typically follows a provider for acts within their scope and duty of employment. However, coverage is often questioned when an employed provider works outside their normal employment. The answer to this question depends on the specific terms and conditions of the provider’s professional liability insurance policy and the organization’s comfort level with this new risk exposure.

Keep in mind there may be certain restrictions or limitations on coverage, depending on the specific policy and the nature of the volunteer work. For example, some policies may exclude coverage

ABOUT PARKER, SMITH & FEEK

Parker, Smith & Feek’s dedicated Healthcare Practice has over 40 years of experience providing healthcare organizations with commercial insurance, risk financing, and risk management expertise, as well as clinical/facility risk management, claims advocacy, employee benefits, wellness and workers’ compensation consulting. The breadth of our healthcare footprint is substantial across the Pacific Northwest, and comprises all sizes and types of clients served.

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[Danielle Donovan](#) is Parker, Smith & Feek’s Clinical Risk Manager, dedicated to helping improve our healthcare clients’ operations and mitigate risks. She publishes regular articles to support this effort and provide unbiased advice on issues facing all types of healthcare organizations. Stay tuned for her next installment, and contact Parker, Smith & Feek’s [Healthcare Practice Group](#) if you would like to learn more.

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for volunteer work outside the provider's area of expertise or involving a higher level of risk than their usual practice. Additionally, some policies may require the provider to obtain prior approval or notification before engaging in volunteer work.

It is crucial for these individuals to review their professional liability insurance policy carefully and to consult with their broker if they have any questions or concerns about their coverage while volunteering at community events. It is also a good risk mitigation strategy for providers to ensure that they are adequately trained and prepared to perform any volunteer work they undertake to minimize the risk of potential liability.

EMPLOYER-SPONSORED EVENTS

Here are some things to consider for employer-sponsored events:

Event Liability Insurance

Special event or one-day insurance policies typically cover claims made by third parties or event attendees for things like injuries, property damage, or lawsuits. Some of these policies may also cover the costs associated with canceling an event. However, these policies do not cover third-party medical liability claims against your employees when providing medical care.

Waivers

One of the most significant exposures for the employer is injuries to a third party. One way to reduce, but not eliminate, this exposure is through the use of waivers. Although waivers do not provide a complete shield from liability, they can help deter reckless behavior and assist with future claim defense. The specific content of a waiver may vary depending on the nature of the event, but generally, it should include the following:

- + **Identification of the parties:** The waiver should identify the event organizer and the participant(s) by name.
- + **Description of the activity:** The waiver should describe the activity or event in detail, including any potential risks associated with participating.
- + **Assumption of risk:** The waiver should include language acknowledging that the participant understands and assumes the risks associated with the activity.
- + **Release of liability:** The waiver should release the event organizer from liability for any injuries or damages that may occur during the activity, including those caused by the organizer's or the participants' negligence.
- + **Indemnification:** The waiver should include language that requires the participant to indemnify and hold the event organizer harmless from any claims or lawsuits arising from the participant's participation in the event.
- + **Authorization to seek medical treatment:** The waiver should include language that authorizes the event organizer to seek medical treatment for the participant in the event of an emergency.
- + **Signature and date:** The waiver should include space for the participant to sign and date the document.

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COMMERCIAL INSURANCE

EMPLOYEE BENEFITS

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RISK MANAGEMENT

SURETY



It is important to note that the language in a waiver should be clear and unambiguous, and the waiver should be written in a way that is easy for participants to understand. It is recommended that waivers are reviewed by legal counsel to ensure that the document is legally sound and provides adequate protection for the event organizer.

Although your organization may face some exposure when your employees volunteer to provide medical care at an event, this can also be a very valuable resource to the community and a rewarding experience for that employee. For more information on how to reduce your risk surrounding volunteer events, please reach out to your broker team at Parker, Smith & Feek.

References and Resources

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