

LIABILITY

STATEMENT OF PURPOSE:

School nurses must assume personal and professional liability for their actions.

AUTHORIZATION/LEGAL REFERENCE:

12 V.S.A. Chapter 23 § 519 -Emergency Care

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=12&Chapter=023&Section=00519>

16 V.S.A Chapter 53 §1756 - Protection of school directors, teachers, employees, and board members in damage suits.

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=16&Chapter=053&Section=01756>

26 V.S.A. Chapter 28 – Nurse Practice Act

<http://www.leg.state.vt.us/statutes/sections.cfm?Title=26&Chapter=028>

Vermont State Board of Nursing Position Statement on and delegation decision tree

http://vtprofessionals.org/opr1/nurses/position_statements/PS-Role%20of%20the%20Nurse%20in%20Delegating%20Nursing%20Interventions.pdf

SUGGESTED SCHOOL NURSE/ASSOCIATE SCHOOL NURSE ROLES:

- Know the Vermont Nurse Practice Act.
- Know the Standards of School Nursing Practice (NASN).
- Obtain professional liability insurance.
- Know risk prevention and management strategies.

RESOURCES:

American Nurses' Association (ANA) – www.ana.org

National Association of School Nurses www.nasn.org

National Education Association - www.nea.org

Nurses Service Organization - www.nso.com

Pohlaman, J. & Schwab, N. (2000)(Managing Risks in Professional and Clinical Performance Dilemmas: Part 1. Journal of School Nursing, 16(2), 46-48.

Vermont Standards of Practice; School Health Services



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Section 19

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Schwab, N., & Gelfman, M. Legal Issues in School Health Services, Sunrise Press, 2001.

Vermont NEA, Montpelier, Vermont - <http://www.vtnea.org/>

Vermont State Board of Nursing – <http://professional.org.opr1/nurses/forms/nursingrules>

SAMPLE POLICES, PROCEDURES AND FORMS

Risk Prevention and Management

Risk Prevention and Management- adapted from Nadine Schwab, March 1996.

Recurring Causes of Nursing Liability :

- Failure to keep abreast of nursing knowledge
- Failure to take an adequate patient history
- Failure to function within established policies
- Failure to function within the scope of nursing education and practice
- Failure to administer medications and treatments properly.
- Failure to adequately supervise or monitor patients
- Failure to observe and report changes in a patient's condition
- Failure to document adequately and promptly: Alteration of records
- Failure to report incompetent care by others
- Improper physician orders -duty to defer execution .
- Failure to use aseptic technique
- Use of defective equipment
- Abandonment of patient
- Failure to resuscitate promptly and properly

Strategies to Avoid Liability:

- Know the laws/standards that apply to your practice.
- Establish, regularly update and function according to agency, policies, procedures, job descriptions, nursing protocols and standing orders
- Keep up-to-date in your clinical practice
- Document in writing notification of unsafe conditions
- Develop statistical data to document concerns
- Keep complete, accurate records of care
- Apply the principles of good recording to all documentation
- Obtain adequate consent to provide care, perform procedures
- Document student/family education/notification
- Protect the student/family's right to confidentiality
- Avoid verbal physician orders
- Do not over-delegate
- Initiate quality assurance/risk management programs
- Use the expertise of, and network with, advanced practice registered nurses and physicians in the community who are clinically competent in serving the primary health needs of your student population.
- Educate your policy makers (standards of care; risks)
- Educate your community - your consumers
- Budget monies for medical-legal consultation to help resolve conflicts with educational policies, procedures or legal opinion.
- The nurse-student relationship must supersede all others

Vermont Standards of Practice; School Health Services

