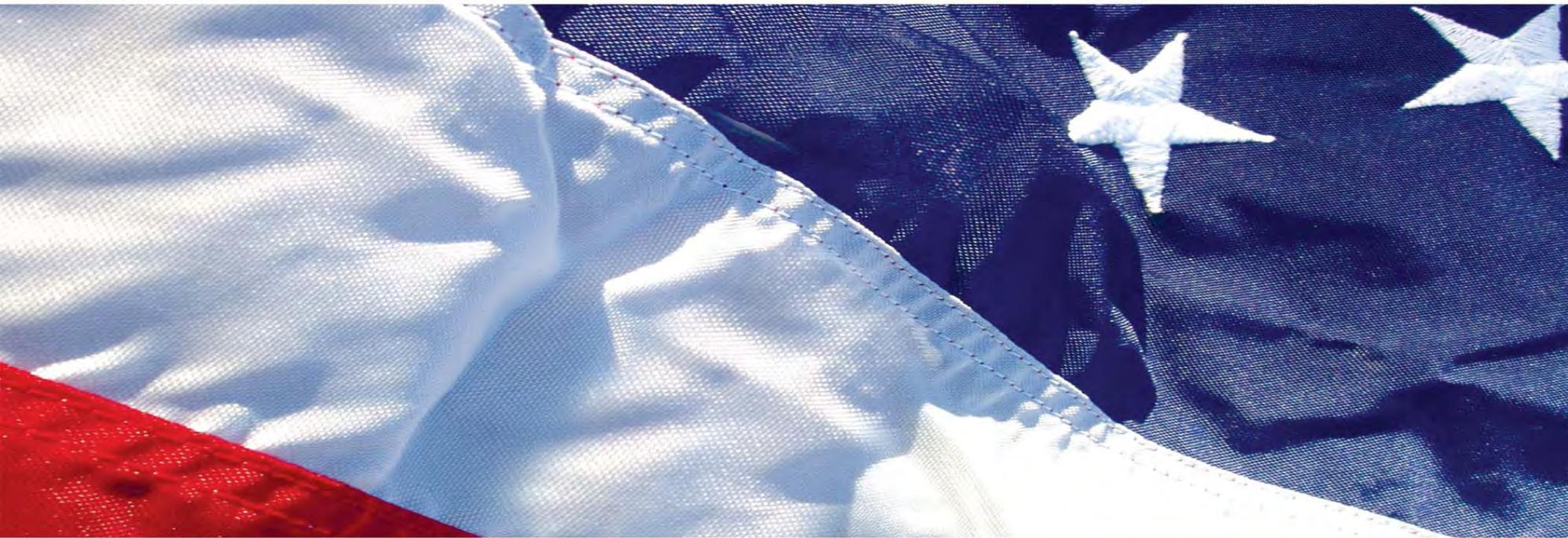


2008 Medical Reserve Corps National Leadership and Training Conference



Prepared Volunteers, Resilient Communities, Strong Nation



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Medical Liability for MRC Volunteers

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First Some Latin

- Respondeat Superior
 - The master answers for the acts of the servants
- Res Ipsa Loquitor
 - The thing speaks for itself

Medical Liability Requires Medical Negligence

- Medical Negligence requires 4 elements
 - Duty
 - Breach of Duty
 - Injury
 - Proximate Cause

Duty

- Do you owe a duty to someone?
- If yes, do you know the proper protocol to follow to meet that duty in this situation?
- Are you qualified to follow that protocol?
- Did you follow that protocol?
- Did you act as any reasonable and prudent individual, with your level of training and experience, would have acted in this situation?

Breach of Duty

- Did you not know, understand or follow the proper protocol in providing medical care to a person?
- Did you omit something when providing that treatment?

Injury

- The treated person must have suffered an injury.
 - Could be either physical or mental.

Proximate Cause

- It must be shown that your Breach of Duty was the direct cause of the injury

Penalties

- Criminal
- Civil
 - Contributory Negligence

Managing the Risk

- Make sure all volunteers providing care
 - Are appropriately trained, experienced and credentialed
 - Know, and function under, established protocols
 - Are appropriately supervised
 - Work in pairs, if possible (especially with certain patients)
 - Document all services provided and actions taken

Managing the Risk

- Equipment is properly maintained
 - Volunteers are trained in its use
 - Only trained personnel use it
 - If needing repair it is taken out of service and appropriately marked

Insurance or Not?

- Good Samaritan Act
- Sponsoring Organization coverage
- MRC Unit coverage
- Personal coverage