

Liability Protection for Your Volunteer Health Professionals

One of the most frequently mentioned reasons for not volunteering in a charitable clinic is the fear of medical liability or malpractice claims. Even though the instance of malpractice claims filed against charitable clinic volunteers is very small, the fear exists with potential volunteer candidates for your clinic. You should strive to make coverage available for your volunteers so that this stumbling block to volunteering is removed.

Many potential volunteers who are currently employed in the healthcare system will have portable malpractice insurance that will cover them wherever they are working. Insist that volunteers who say they are covered verify that coverage with their insurance provider, and provide you with documentation of the coverage. For retired volunteers or those whose coverage is not portable, there are several ways to offer professional liability protection.

Federal Tort Claims Act of 2004

In 2004 Congress enacted FTCA medical malpractice protection for board members, officers, paid or volunteer health professional staff and certain types of contract health professionals that work/practice/volunteer at free clinics. This benefit is available ONLY to free clinics. Charitable clinics and hybrid clinics are ineligible for this coverage. There are requirements to be met by the sponsoring free clinic and the healthcare professional in order to be eligible for this program. FTCA status provides the covered individuals with *immunity* from medical malpractice lawsuits resulting from his/her subsequent performance or related functions within the scope of his/her work/role at the free clinic. Any alleged claims are filed against the United States according to FTCA requirements. The Department of Health and Human Services (HHS) Health Resources and Services Administration, Bureau of Primary Health Care (HRSA, BPHC) administers the program. Coverage results from the submission of an initial application that must be renewed annually. Individuals may be added throughout the year.

[Find more information on FTCA](#)

For more on FTCA, skip to the Operations Section of this module and refer to [Patient Fee Structure](#).

Professional Liability Insurance

Also known as malpractice coverage, this insurance is for the acts or omissions of a healthcare professional that fall below the recognized standard of acceptable professional practice of the services in question. The clinic can buy a policy with “slot coverage” which protects any volunteer provider working at the clinic. The premium is based upon the number of hours the clinic is open each week, and the number of annual patient visits. In some states, retired physicians can purchase professional liability insurance to cover their volunteer activities for as little as \$100 each year. Many states have good state liability protection available for charitable clinic volunteers. Check with your state medical society or free and charitable clinic association to determine what is available in your area, but do not neglect this important area of risk management