

Risk navigator

# Home healthcare: liability and risk management



## Table of contents

### About Markel's Risk Solution

Services team ..... 2

Liability risk ..... 4

Claims scenario ..... 4



## About Markel's Risk Solution Services team

**Risk Solution Services** provides technical insight related to existing and potential insured risk at Markel. The team partners with our customers, claims, and underwriters to educate on both current and future risk trends and supports our clients with a broad offering of risk management solutions.

E-mail our team at [riskolutions@markel.com](mailto:riskolutions@markel.com).



This document is intended for general information purposes only, and should not be construed as advice or opinions on any specific facts or circumstances. The content of this document is made available on an "as is" basis, without warranty of any kind. This document can't be assumed to contain every acceptable safety and compliance procedures or that additional procedures might not be appropriate under the circumstances. Markel does not guarantee that this information is or can be relied on for compliance with any law or regulation, assurance against preventable losses, or freedom from legal liability. This publication is not intended to be legal, underwriting, or any other type of professional advice. Persons requiring advice should consult an independent adviser. Markel does not guarantee any particular outcome and makes no commitment to update any information herein, or remove any items that are no longer accurate or complete. Furthermore, Markel does not assume any liability to any person or organization for loss of damage caused by or resulting from any reliance placed on that content.

\*Markel Specialty is a business division of Markel Service, Incorporated, the underwriting manager for the Markel affiliated insurance companies.

© 2021 Markel Service, Incorporated. All rights reserved.

## Table of contents

<b>About Markel's Risk Solution Services team</b> .....	2
<b>Liability risk</b> .....	4
<b>Claims scenario</b> .....	4



**Home health care delivery** will increase as the population ages and less expensive alternatives to inpatient, hospital, and nursing home care are desired. High staff turnover, limited on-site supervision, technology used for care, medically unsophisticated patients, uncontrolled environments, and reliance on other contracted entities for collaboration all contribute to home health care liability risk. More complex patients with multiple chronic conditions are being cared for in the home setting, including those on ventilators. Home health malpractice claims are often the result of low frequency/high severity events.



## Table of contents

### About Markel's Risk Solution

Services team ..... 2

Liability risk ..... 4

Claims scenario ..... 4

## Liability risk

- Pediatric patients in home settings represent the greatest liability risk. Chronically ill children are more vulnerable to injuries caused by staff. Children on ventilators and receiving tracheostomy care who are injured can result in the largest malpractice payments.
- Falls and pressure ulcers are the most common types of malpractice claims in home health.
- Malpractice claims involving falls in a home health setting usually occur when staff are in the home, as when patient transfers occur from bed to chair or in the bathroom.
- Medication errors occur in the home setting and can be catastrophic in the elderly who have many co-morbidities and take many medications. This can also occur in pediatric patients.
- Infection control is more problematic in the home setting, particularly as more patients may have in-dwelling devices (e.g., catheters, etc.).
- Device failure, or inappropriate use by home health staff and patients/caregivers, can result in claims against home health organizations. Telemetry, wearable devices, automated medication dispensing systems, ventilators, infusion pumps, total parenteral nutrition (TPN), and home dialysis are just some of the critical pieces of equipment and technology that can injure patients.
- Sexual abuse claims can occur in any health care setting when patients are most vulnerable.
- Inappropriate use of social media that invades patient and family privacy can result in liability.
- Poor communication and care coordination with other providers, especially during patient transition from the hospital to the home, can cause patient injuries.

## Claims scenario

- Patient fall in the home
  - A home health nurse was transferring a patient with a Hoyer lift. The patient started to fall out of the lift. Rather than back up and start again, the nurse proceeded. This caused the patient to fall and fracture their leg.
- Ventilator-dependent patients
  - Home health nurse failed to recognize a child's respiratory distress because the ventilator alarm was inadvertently turned off, resulting in anoxic brain damage.
- Medication errors
  - Home health nurse administered the incorrect dose of methadone, resulting in patient's death.
- Failure to follow policies and procedures for patient safety
  - Home health provider was to help with medications but saw patient on the wrong scheduled day. The next day, the aide left the home when the patient did not answer the door but failed to follow the protocol, which was to contact the family. Patient had fallen and broken his leg the day before and laid on the floor for many hours. Patient expired after being found days later.

## Table of contents

### About Markel's Risk Solution

Services team ..... 2

Liability risk ..... 4

Claims scenario ..... 4

