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About NASW Assurance Services

Introduction

At NASW Assurance Services, social workers and their mission come first. That means our programs and services are designed with your needs in mind, and overseen by social workers like you. We strive to creatively meet the diverse and evolving needs of social workers through quality, competitive insurance programs and risk management education services.

NASW Assurance Services is a wholly-owned sub-corporation of NASW. As we continue to build upon over 50 years of service and trust, our structure

allows us to offer additional products and services to meet your needs, and provide more support for programs and initiatives important to social workers.

NASW Assurance Services is committed to the integrity and financial stability of your future, and has provided this toolkit as an educational resource to help you manage your risk.

Let NASW Assurance Services focus on your needs so you can focus on others.

Advocating for Social Workers

We advocate for social workers in many ways. We exist to serve social workers by offering and managing programs and services to meet their personal and professional needs.

ASI carefully selects programs and partners and manages those partnerships closely to ensure that you receive high-quality benefits at the best possible rates that fit your specific needs and lifestyle at every stage of life.

Any profits generated from the group insurance programs are reinvested into new initiatives and enhancements to further benefit our insurance program participants and add value to the profession.

NASW Assurance Services Programs & Services

NASW Assurance Services insurance programs and services currently include:

- Professional Liability/Malpractice Insurance—for individuals, partnerships and corporations, students, schools, and agencies
- General and Cyber Liability Insurance
- Risk Management Education Webinars and Podcasts
- Risk Management Continuing Education Workshops

GET LIABILITY COVERAGE TODAY!
Protect your career for as little as \$54 a year.

www.naswassurance.org/getcoverage

NASW Members receive an exclusive discount.

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About NASW Assurance Services Workshop Presenters

NASW Assurance Services risk management workshop presenters are volunteer social workers who are currently serving on the Board of Directors for NASW Assurance Services or who were former NASW Insurance Trust Trustees. All are knowledgeable about professional liability insurance and risk management.

ASI's presenters participate annually in an extensive training process and workshop observations with other experienced presenters. This training keeps

our presenters updated on current social work policies and issues, making them well-equipped to make your learning experience informative, engaging, and worthwhile.

After the workshop, please take a moment to **complete the workshop evaluation** form you received with your toolkit, and let us know how you think we are doing.

Enjoy the workshop!



**Ann A. Abbott, PhD,
LCSW, ACSW**
Former Chair,
NASW Insurance Trust

Ann A. Abbott recently retired from her position as Professor and MSW Program Director, West Chester University, West Chester, PA. Prior to that position, Ann served as Associate Dean of the School of Social Work, Rutgers University, Camden Campus, and Director—BASW Programs in Camden and New Brunswick. Ann has published extensively in the areas of substance abuse issues, social work values, risk management, and professional socialization; she taught in the areas of human behavior, direct practice and mental health. Currently Dr. Abbott is serving as advisor to a number of doctoral students.

NASW Involvement:

Trustee, NASW Insurance Trust (1995–1998); National Board of Directors (1988–1995); National Board Executive Committee (1992–1995); President, Pennsylvania Chapter (1987–1989). She is currently a presenter for the NASW Assurance Services Risk Management Program.



**Josephine A.V. Allen,
PhD, ACSW**
Former Chair,
NASW Insurance Trust

Josephine A.V. Allen is Professor of Social Work at Binghamton University of the State University of New York. She is also Professor Emerita at Cornell University where she is a member of the Department of Policy Analysis and was formerly Director of the Cornell Baccalaureate Social Work Program. Dr. Allen's research focuses on social welfare policy, intergenerational communication and reproductive health, empowerment and family support, and gender and international development.

She is currently co-principal investigator of a US Department of Agriculture funded research project. This research investigates the ways in which adults, children, and adolescents learn and communicate about sex, reproductive health, HIV/AIDS acquisition, prevention and treatment, and alcohol and drug use.

NASW Involvement:

Chair of the NASW Insurance Trust (1999–2000); National President (1997–1999); former Trustee, NASW Insurance Trust (1995–1997); National Vice President (1991–1993); Vice President of the New York State Chapter. She is currently a presenter for the NASW Assurance Services Risk Management Program.



Gary Bailey, LHD (h.c.), MSW, ACSW
Former Trustee,
NASW Insurance Trust

Gary Bailey LHD (h.c.), MSW, ACSW is a Professor of Practice at the Simmons College School of Social Work and School of Nursing and Health Studies. At the School of Social Work he chairs Awards Committee; is Chair of the Simmons College Black Administrators, Faculty and Staff Council (BAFAS); is a member of the Simmons Faculty Senate where he chaired the Senates subcommittee on faculty engagement; is a member of the Presidents Council; is vice chair of the Simmons President's Diversity and Inclusion Advisory Council (PDIAC) and is a member of the PDIAC Grants Committee; at the School of Nursing and Health Studies he is a member of the Dotson Scholars Advisory Board; he also co-Chaired the Simmons College Initiative on Human Rights and Social Justice. He was appointed by Massachusetts Governor DeVal Patrick to a second term to the Board of Directors of the Massachusetts Education Finance Authority (MEFA). In May 2013 he is the recipient of a Doctorate of Humane Letters, honoris causa, from the University of Connecticut.

NASW Involvement:

Past President (2003–2005); National 2nd Vice President (2000–2002); Association Treasurer (1995–1997); Chairperson of the National Social Work Public Education Campaign (1995–present); President of the Massachusetts Chapter (1993–1995); Trustee of the NASW Insurance Trust (1993–1995); member of the Foundation Board of Directors. He is currently a presenter for the NASW Assurance Services Risk Management Program.



Elizabeth Cauble, PhD, LMSW
Chair, NASW Assurance
Services

Elizabeth (a.k.a. Betsy) is Head of the Department and Associate Professor of Social Work at Kansas State University. She has taught in the social work program at KSU since 1993. Betsy received both her MSW and PhD at the University of Minnesota. Prior to KSU, she was a child welfare administrator at Franklin County Children Services in Columbus, Ohio. Betsy also has been director of a hospital social work department, a family therapist, and director of a custody mediation research project. Her primary area of teaching is social work practice and public policy. Betsy's research interests involve child welfare system and how violence against children constitutes a community health risk and behavioral health preparedness response, and recovery

NASW Involvement:

Past President and Chair of NASW Assurance Services, Inc. Board of Directors; Director of NASW Assurance Services, Inc. (2009–2012); President of the Kansas Chapter (2001–2003), Chair of the KNASW Professional Standards Committee (1997–2001), NASW Board Member (2004–2007), NASW Board Executive Committee (2006–2007), Chair of the NASW Membership Committee (2005–2007), and NASW Board Representative to the National PACE Committee, Director. Betsy is also currently a presenter for the NASW Assurance Services Risk Management Program.



Yvonne M. Chase,
PhD, LCSW, ACSW
Board of Directors,
NASW Assurance Services

Yvonne M. Chase is an Assistant Professor in the Department of Human Services at the University of Alaska/Anchorage. Dr. Chase's prior experience includes serving as deputy commissioner for two state departments in Alaska and one in Washington State. She also has significant experience in the non-profit sector. Dr. Chase holds a bachelor's degree in sociology from Loyola University in Chicago, a master's in social work from Howard University in Washington, DC, and a doctorate in social work from Norfolk State University. Her areas of interest include social work ethics, child welfare, serving diverse client populations and the global social work community. She is currently co-principal investigator of a US Department of Agriculture funded research project. This research investigates the ways in which adults, children, and adolescents learn and communicate about sex, reproductive health, HIV/AIDS acquisition, prevention and treatment, and alcohol and drug use.

NASW Involvement:

President, Alaska Chapter (1984–1988); National Board of Directors (1998–2001); National Board Executive Committee (1999–2001); Executive Committee member (1999–2000 & 2000–2001); Chair, NASW National Committee on Inquiry (2001–2005); Board member, NASW Insurance Trust (2005–2007); Board member & Treasurer, NASW Assurance Services, Inc. (2007–2011); Board member & Treasurer, NASWIC, (2009–present); Board member, RRG (2012–present); Chair, NASW Task Force on Professional Review (June 2003–June 2005); Chair, Gosnell Scholarship Committee (2011–present); Member, Competence Certification Commission (2011– present); and Chair, Chapter / National Modernization Task Force (2012–2015). Dr. Chase has served as a presenter for the NASW Assurance Services Risk Management Program since 2006.



Becky Schwartz Corbett, ACSW
President & CEO,
BSCorbett Consulting, LLC

Becky Schwartz Corbett, MSW, ACSW, is a national speaker, trainer, and executive coach in intentional growth, leadership & career development, Productivity®, and The Bridge to Hope & Healing®. She has 27 years of nonprofit executive management experience with mission-driven organizations, membership & trade associations, and colleges & universities. Becky was born and raised in New Orleans and received her MSW degree with a concentration in planning and management and a BS degree in human development and family studies from The University of Alabama (UA). She is President & CEO of BSCorbett Consulting, a John Maxwell Team Certified Coach, Speaker, and Teacher; a member of the Academy of Certified Social Workers; Career Services Consultant for the UA School of Social Work; and served as Chief Operating Officer of NASW from 2008 to 2013. Becky is fiercely dedicated to inspiring people to lead and helping individuals and organizations move ideas to action.

NASW Involvement:

Chief Operating Officer of NASW from 2008 to 2013.



Terrie Fritz, MSW, LCSW
Former Trustee,
NASW Insurance Trust

Terrie Fritz is the Director of The Center for Social Work in Healthcare at the Anne and Henry Zarrow School of Social Work, University of Oklahoma. The work of the Center is to better prepare students to practice in the healthcare arena and support best use of social work in primary care and medial homes. Terrie has practiced social work since graduating with her MSW in 1978 and has worked in the fields of Child Welfare, Mental Health and Maternal and Child Health in both direct and program/policy development positions. From 1995 to 2011, she was Director of Child Health and the Director of Behavioral Health at the Oklahoma Health Care Authority, the state agency responsible for administering the Medicaid program. Prior to that Terrie was the Director of Social Work for the Oklahoma State Department of Health.

NASW Involvement:

National Board Member (2005–2008); former Trustee of the NASW Insurance Trust (2001–2004); Chair of the National Committee on Inquiry (1999–2001); President of Oklahoma Chapter (1995–1996); and Chair of Delegate Assembly Planning Committee (2007–2008). She is currently a presenter for the NASW Assurance Services Risk Management Program.



Paul D'Agostino, LCSW
ACSW, Board of Directors,
NASW Assurance Services

Paul D'Agostino retired from his position as Executive Director of the Champions For Children, where he was responsible for the administration, fiscal management and development, with emphasis on program planning and supervision. He is the respected leader for more than 146 staff members and 600 volunteers. Paul has extensive background in clinical social work, as both caseworker and administrator in agencies specializing in children and families. He was in private practice in child and family evaluation and treatment and also served as Unit Director for the Children's Project and Associate Director for the Children's Residential Project at the Florida Mental Health Institute. Paul was founder and president of Children's Advocates, Inc., a Boston, MA, interagency foundation for the protection of children and served as a Child Abuse Consultant to the Spanish Government in Spain.

NASW Involvement:

Presently serving as president on the Board of NASW Assurance Services, Inc.; Trustee of the NASW Insurance Trust (2006–2007); National Treasurer (2003–2006); President, NASW Florida Chapter (1994–1996). He is currently a presenter for NASW Assurance Services Risk Management Program.



Greg V. Jensen,
LCSW, ACSW
Former Chair,
NASW Insurance Trust

Greg Jensen is a healthcare executive with over thirty years of proven achievements in program development, implementation, and operational oversight in an academic medical center with over 700 beds and 200 outpatient clinics and more recently in a federally qualified health center (FQHC). He is recognized nationally for professional leadership and expertise in developing innovative models of delivering healthcare. Greg has engaged community stakeholders to develop comprehensive services and a continuum of care to benefit patients. Recent examples include developing schoolengaged health homes in six Central Texas school districts and developing the best-in-class model of integrated healthcare within an FQHC providing primary care and behavioral health care services to the community's most vulnerable patients.

NASW Involvement:

Chair (2003–2005) and former Trustee (2000–2003) of the NASW Insurance Trust; National Executive Committee (1999–2001); National Board (1998–2001); President, Iowa Chapter (1990–1992). He is currently a presenter for the NASW Assurance Services Risk Management Program.



Richard L. Jones, PhD
Former Chair,
NASW Assurance Services

Richard L. Jones has served in major leadership roles in the non-profit sector throughout the country. In 2013, he served as the Senior Vice President of community Investment of the United Way of Metropolitan Chicago. He was responsible for leadership, planning and measurement, and execution of United Way's strategic investments in the areas of income, education and health. Richard also served as the Administrator of Employment and Family Services and the Cuyahoga Support Enforcement Agency for Cuyahoga County in Ohio. Prior to his position, for 13 years, he served as President and CEO of Metropolitan Family Services in Chicago delivering more than \$290M in programs and services to more than 600,000 people during his tenure.

NASW Involvement:

Board Member of the NASW Assurance Services (ASI) Board of Directors (2007–2008); Elected President of ASI (2008–2011) for two terms. He is currently a presenter for the NASW Assurance Services Risk Management Program.



Paul A. Kurzman,
PhD, ACSW
Former Chair,
NASW Insurance Trust

Paul A. Kurzman is a Professor at the Silberman School of Social Work at Hunter College and at the Graduate Center of the City University of New York. Paul served for 26 years on the New York State Social Work Licensing Board, and as a senior hearing officer for professional discipline. He presently teaches practice and policy in the master's and doctoral programs. Paul holds a BA from Princeton University, MSW from Columbia University, and a PhD from New York University. He is an author of nine books and of "Professional Liability and Malpractice" and "Managing Liability and Risk in Nonprofit Settings."

NASW Involvement:

President, New York City Chapter (2004–2006); Chair, National Competence Certification Commission (2001–2004); Chair, National Adjudication Task Force (1993–1995); Chair (1991–1993) and Trustee (1987–1991) of the NASW Insurance Trust; Member of the National Board of Directors (1980–1983); Chair, Board of the Register of Clinical Social Workers (1975–1978). He is currently a presenter for the NASW Assurance Services Risk Management Program.



**Joseph T. Monahan, JD,
MSW, ACSW**
President, NASW Assurance
Services Risk Retention
Group

Joseph T. Monahan (Joe) is founder of the Chicago law firm The Monahan Law Group, LLC. In the past twenty-nine years as a lawyer, Joe and the firm have been involved in ground breaking legal issues impacting social workers and their clients. In 2011, he successfully argued a case in the Illinois Supreme Court concerning the confidentiality of records in domestic relations proceedings. Joe was lead trial counsel on the first same-sex adoption case in Illinois and also was the plaintiff (then later appointed co-chair of the Rule 706 expert panel) in the largest class action law suit filed against the state's child welfare agency (DCFS). Currently, Joe and members of the Firm represent over 70 hospitals in the Chicago metropolitan area and provides legal representation and advocacy to numerous outpatient mental health clinics and child welfare agencies in the state. He trained as a social worker before going to law school; received his MSW from the University of Illinois in Champaign, and his JD from DePaul University College of Law. He teaches Mental Health Law at Loyola University Chicago Law School.

NASW Involvement:

He joined NASW in 1976; served on the Legal Defense Fund (2003–2007); served on the National Board of NASW (2009–2012); Executive Committee (2009–2012) currently President of the Board of Directors of the Risk Retention Group (2013–present). He is also currently a presenter for the NASW Assurance Services Risk Management Program.



**Jamesena Grimes
Moore, MSW**
CSW, Former Trustee,
NASW Insurance Trust

Jamesena (Jamie) Grimes Moore retired from her position in October 2011 as vice president of Volunteer and Community Services from United Way of the Midlands. She managed a Volunteer Resource Center that promoted volunteerism through programs focused on volunteer recruitment, training, referral and recognition services. Jamie developed a statewide information and referral service and managed Nebraska's 2-1-1 Call Center. She has facilitated workshops on topics such as Board Development, Diversity, Risk Management, and Volunteer Management, on local, state and national levels. Jamie holds a Bachelor of Arts from North Carolina Central University with a major in Sociology and a minor in Chemistry, and a Master of Social Work from the University of Nebraska at Omaha with a macro concentration where she was the recipient of the first Woman of Color Volunteer Award in 2003 and the Alumni Award of Excellence in Public Service in 2008. Jamie is a Certified Social Worker licensed in Nebraska

NASW Involvement:

The Finance Committee (2003–2006); Chair, Task Force to Review & Revise the Structure & Governance of Delegate Assembly (2000–2002); National Second Vice President (1998–2000); National Research and Education Fund Board (1998–2000); Trustee, NASW Insurance Trust (1996–1999); Chair, National Legal Defense Fund (1995–1996); National Secretary (1994–1996); President, Nebraska Chapter (1991–1993); Nebraska NASW Chapter Social Worker of the Year in 1992 and 2003. She is currently a presenter for the NASW Assurance Services Risk Management Program.



Carole Mae Olson,
LICSW, ACSW
Former Trustee,
NASW Insurance Trust

Carole Mae Olson is retired after serving thirteen years as Executive Director of Episcopal Community Services in Minneapolis, MN. She is a licensed practitioner who, prior to becoming Executive Director, worked primarily in Family Service settings with a focus on disadvantaged populations, family violence issues and self-help programs. She has a Master of Science degree from Columbia University.

NASW Involvement:

Member and Treasurer of the National Board of Directors (1997–1999 and 1987–1990), former Trustee (1994–1997) of the NASW Insurance Trust; Chair of the National Committee on Nominations and Leadership Identification (1991–1994); President, Minnesota Chapter (1982–1984). She is currently a presenter for the NASW Assurance Services Risk Management Program.



Gwendolyn Spencer Prater, PhD, ACSW
Former Trustee, NASW
Insurance Trust

Gwendolyn Spencer Prater is Dean Emerita, School of Social Work, College of Public Service at Jackson State University (JSU) in Jackson, MS. She is also President, Children and Family First, Inc. Prior to her current positions, Gwen served as Founding Dean at JSU of both the School of Social Work (1995–2003) and the College of Public Service (2003–2009). Dr. Prater's research focuses on child welfare, mental health, leadership and management. She holds a BA from Tougaloo College, an MSW from the Ohio State University, and a PhD from the University of Southern California where she was the recipient of the W. Simmons Distinguished Alumna Award (1999). She also received the Presidential Award for Excellence in Social Work Education (2000) from NASW.

NASW Involvement:

National Finance Committee (1997–2000), National First Vice President, Executive Committee Member, and Chair, National Program Committee (1995–1997), Trustee, NASW Insurance Trust (1990–1995), National Executive Committee Member (1987–1988), National Board Member Region VI Representative and National Commissioner, Joint Commission on InterProfessional Affairs as NASW Representative (1986–1989), and President, Mississippi Chapter, NASW (1987–1989). She is currently a presenter for the NASW Assurance Services Risk Management Program.

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Resources for Managing Your Malpractice Risk

Congratulations on attending the NASW Assurance Services Risk Management Workshop! You have already taken one of the biggest steps to avoid malpractice liability exposure—risk management education.

However, there is considerably more you can do on your own after the workshop to understand and manage professional liability risk, including:

1. Read, read, read...

NASW Assurance Services offers numerous resources to help you understand and manage your risk now and throughout your social work career.

Many of these resources are included in this section for you to refer to now, and again whenever you need to in the future.

A library of “Practice Pointer” articles are included on the NASW Assurance Services website at www.naswassurance.org/home/practice-pointers for you to read and download.

“Practice Pointers” are short articles available from NASW Assurance Services that are designed to address common professional dilemmas faced by social workers and to provide suggestions that could reduce a social worker’s risk exposure to an ethics complaint, licensing complaint or malpractice lawsuit.

The Prudent Practice and Ethics Audit books are available from the NASW Press at www.naswpress.org. These are critical risk management and ethics references for all social workers.

Additionally, NASW provides a wealth of resources regarding the Health Insurance Portability and Accountability Act (HIPAA) that you should familiarize yourself and comply with. This includes an online HIPAA security compliance workbook and online training program. For more information visit www.socialworkers.org.

2. Obtain professional liability insurance and keep it throughout your career.

It's important to keep your individual professional liability insurance throughout your social work career because although you may have coverage through an employer, it may not be sufficient to cover the cost of your legal defense, and you may not be able to choose your own coverage levels.

3. Use the risk management helpline.

Designated for policyholders, the helpline, staffed by a risk management specialist, can provide policyholders with information in advance to help avoid situations that could lead to a malpractice lawsuit. Call 1-888-278-0038 to access the helpline.

4. Attend risk management workshops and webinars.

Learn how to manage your risk in our risk management educational workshops sponsored by NASW Assurance Services and co-sponsored by NASW chapters and other hosts.

Expert presenters will engage participants in the latest malpractice risk management techniques.

A series of podcasts and webinars are also available to access anytime at www.naswassurance.org.

5. Understand and abide by the NASW Code of Ethics.

Seek additional ethics training workshops and CEUs through the National Association of Social Workers (NASW). For a full version of the *Code of Ethics* visit www.socialworkers.org.

6. Practice, practice, practice what you have learned throughout your social work career.

Review educational material often and stay current on laws and policies in your state.

Phone: 855-385-2160

Email: asi@naswasi.org

Website: www.naswassurance.org/getcoverage

a. Risk Management Tips

- Know the standards of accepted practice and the NASW Code of Ethics.
- Understand and comply with HIPAA federal regulations.
- Know your own competency and limitations.
- Have an attorney you can talk to regularly.
- Develop clear treatment plans with some basic understanding and sign-off by clients.
- Set up a routine and consistent consultation and referral procedure.
- Conduct an internal audit of your agency/practice.
- Conduct in-service staff training on liability risk management.
- Avoid any type of dual relationship with clients.
- Have adequate coverage, backup, and emergency numbers available.
- Be cautious in using nontraditional therapies and modalities.
- Do not medicate or prescribe; do not promise cures.
- Recognize high-risk clients from a liability standpoint.
- Refer and consult appropriately.
- Keep the well-being and welfare of the client at the forefront of decision making.
- Treat the client with respect and kindness to reduce the chances of a personality conflict and/or being sued for social work malpractice.

Additionally, each month NASW Assurance Services publishes an online social work malpractice "Tip of the Month" article that gives social workers great tips on how to avoid malpractice and reduce risk. Access each article at www.naswassurance.org/malpractice/malpractice-tips.

b. Preserving Your Records

“...maintaining your records becomes your primary risk management technique.”

Records can be a nuisance but as your career progresses, they may become more unwieldy and you may be tempted to dispose of them. A word to the wise, DON'T.

Record Keeping Tips

1. Maintain a secure chain of custody.

Always know where your records are and who is responsible for securing them. Remember that you are responsible for producing your records if you are subpoenaed, and failure to do so reflects poorly on you in social work malpractice litigation.

2. Make sure your records are in good order and follow the sequence of treatment.

The plaintiff's attorney will be analyzing your records to ascertain if you deviated from the standard of care.

3. Make sure your records are legible and cogent.

The tendency for cryptic and erratic shorthand is too easily left open to interpretation.

4. Make sure that your records are in a safe place.

While it is unreasonable to expect you to protect your records from all types of natural disaster, fire proof file cabinets are recommended. With the additional responsibilities imposed by The Health Insurance Portability and Accountability Act of 1996 (HIPAA), security is now codified. For hard copy files, there must be at least two locks that protect the record and access to the records must be restricted. For digital files there must be at least two security features protecting the data—for example, a password protected laptop that is also locked in a cabinet.

5. Never change your records without acknowledging it.

Obviously, there are times when you change your diagnosis and/or treatment plan as therapy progresses, however, these changes should be separate entries in your records. If it is necessary to go back and make a correction or addition, clearly indicate you are making an addendum, date it, and sign it.

6. Investigate various types of secure media to preserve your records and select one that is HIPAA-safe.

In the digital age, many are choosing to store records electronically. There are secure options available for electronic storage, but keep in mind that many cloud drive services (even the well-know ones) don't follow HIPAA guidelines, no matter how you secure the information. And with frequent changes to their privacy policies and terms of service, you need to remain vigilant that any record storage service you use remains HIPAA-safe and fully secure.

c. Updated HIPAA Compliance Forms and Policies

The HIPAA Omnibus Final Rule, which implements changes made by the Health Information Technology for Economic and Clinical Health (HITECH), greatly enhances a patient's privacy protections, provides individuals new rights to their health information, and strengthens the government's ability to enforce the law. The rule became effective March 26, 2013, but generally gave providers until September 23, 2013 to become compliant and revise and redistribute notices of privacy practices (NPP).

The changes in the final rulemaking provide the public with increased protection and control of personal health information. The HIPAA Privacy and Security Rules to date have focused on health care providers, health plans and other entities that process health insurance claims. The rule implements legislative changes that expanded many of the privacy requirements to business associates of these entities that receive protected health information, such as contractors and subcontractors. Some of the largest breaches reported to HHS have involved business associates. Penalties have been increased for noncompliance based on the level of negligence, with a maximum penalty of \$1.5 million per violation. The changes also strengthen the HITECH Breach Notification requirements by clarifying when breaches of unsecured health information must be reported to HHS.

- Familiarize yourself with the HIPAA Omnibus Final Rule and any updates thereafter.
- Ensure your business partners are also in compliance with the HIPAA Omnibus Final Rule.
- Review your Professional Liability Insurance Policy to see if you have protection for expenses related to a breach or violation of HIPAA.

NASW Assurance Services' enhanced Professional Liability Insurance Policy now covers certain HIPAA-related claims by automatically including \$25,000 for HIPAA Privacy Coverage.

For more information and resources about HIPAA, visit the U.S. Department of Health & Human Services website at www.HHS.gov.

For more information on the NASW-Endorsed Liability Insurance Program which includes HIPAA Privacy Coverage, visit NASW Assurance Services at www.naswassurance.org/getcoverage.

To view the *NASW, ASWB, + CSWA Standards for Technology in Social Work Practice*, visit www.naswpress.org/publications/.

4

Frequently Asked Questions

Social Work Malpractice Insurance

NASW Assurance Services understands the abundant rewards of social work. We also understand the importance of assessing and minimizing risk when working in today's litigious society. As social workers become increasingly subject to malpractice lawsuits, defense against such claims, even when they are groundless or fraudulent, can be extremely expensive. **Consequently, malpractice insurance is no longer an option for social workers; it's a necessity.**

NASW Assurance Services has your best interests at heart. We're here to provide you with affordable Professional Liability Insurance options tailored to your needs and to the broad scope of social work practice. And we will advocate on your behalf should the situation warrant it.

We offer Professional Liability Insurance for: Individuals, Students, Schools, Partnerships, Corporations, and Agencies.

We also offer Cyber Liability and General Liability Insurance. For more information or to enroll, visit www.naswassurance.org/getcoverage.

a. Why Does Every Social Worker Need Continuous Professional Liability Insurance?

*For All Social Workers
For Every Stage of Your Career
For Any Work Setting*

Even the Very Best Social Workers Need Continuous Malpractice Coverage

Social work is a rewarding career, but it's one with considerable risks. In today's litigious society the number of social workers getting sued for malpractice is on the rise. And whether these charges are justified or without merit, you must defend yourself—at costs that can be staggering.

Don't bet your future on the chance that a lawsuit will never happen to you! It could happen at any stage of your career, even years after you last saw the client or supervised a case. Therefore it's vital to make sure you're protected at all times, because you would have had to carry coverage when you served the client, not when a concern about allegations arises.

You Need Continuous Malpractice Coverage Throughout Your Career

Because every time you work with a client, you run the risk of a lawsuit. Clients can sue you, but others can as well—parents, spouses, or others acting on the client's behalf. If you don't work directly with clients yourself, you still can be sued for the conduct of a person you supervise, teach, or train. And although good, ethical practice helps, it is not sufficient protection. Even if the charges are unjustified, **you will still have to pay to defend yourself, and the legal fees can add up quickly.**

A vast range of “wrongful acts” leaves social workers open to being sued. Allegations can include improper diagnosis; treatment without consent; incorrect treatment; reporting abuse or failure to report abuse; an incorrect referral or failure to refer a client; failure to prevent a client's suicide; dual relationship with a client, sexual or otherwise; breach of confidentiality. These are just a few of the “wrongful acts” for which social workers are being sued.

Even if your employer provides some malpractice coverage, you should carry your own personal policy that looks out for you. That way you can control your personal coverage and benefits and the quality of your protection. And your own policy may become critically important when you change jobs. **Many suits are brought years after the social worker's alleged error or omission occurs.** Years later, you may find you're held liable for an incident that occurred in your previous job, and there's no longer protection from your former employer's insurance.

That's why it's so important to continuously carry your own personal coverage throughout your career—so that you're seamlessly protected by a policy that protects your interests first and foremost. In recent years social workers have been sued more and more frequently. It makes sense to cover yourself continuously with the plan by which all other social work professional liability programs are measured. **Without continuous malpractice coverage, you're exposing yourself to tremendous risk!**

a. Why Does Every Social Worker Need Continuous Professional Liability Insurance? (continued)

NASW Assurance Services Offers the Best Professional Liability Insurance Program for Social Workers.

NASW Assurance Services provides the best coverage available. And for a superior program developed by social workers for social workers, rates are the lowest you'll find **for** first-time buyers.

With this top-rated plan, you'll be covered for damages up to the limits you select if there's a judgment against you. Your legal defense is a benefit of this insurance. In addition to coverage for malpractice suits, you'll have coverage if you're called before your state's licensing board—at no additional premium, unless you choose to increase the generous base limit provided.

Another valuable feature is the unlimited "tail" coverage, which enables you to extend the time during which you can file a claim for a malpractice suit. This coverage is offered to our member insureds at no charge at permanent retirement from the social work profession (and at a nominal fee in other situations). Tail coverage ensures that you have protection as you're enjoying your retirement.

For a yearly fee that's less than the typical cost of an hour of an attorney's time, you can arrange coverage that is critical to your professional future, your financial security, and your peace of mind. NASW Assurance Services Professional Liability Insurance is the best program you'll find!

NASW Assurance Services offers a wide range of plans to suit your needs: Individual and Corporation coverage... Student coverage... coverage for Social Work Schools that protects both students and faculty, and coverage for Social Service Agencies.

For more information, or to enroll

visit www.naswassurance.org/getcoverage

call 855-385-2160.

b. Professional Liability Insurance FAQ

Who is eligible for professional liability coverage?

All social workers who have a social work degree are eligible for coverage. An applicant whose highest degree is a BSW and who is in direct clinical/therapeutic or independent social work is eligible as long as he/she has supervision by a professional with at least a Masters degree in a mental health field. For questions about eligibility, call us at 855-385-2160.

Do I need to be licensed to get the insurance?

In most situations, yes. However, not all social workers need a license in their home state to practice in a specific field. Please call for more information if you are unlicensed.

What is Claims-Made coverage?

A Claims-Made policy will cover you for alleged incidents that happen between the enrollment date and expiration of your policy, but claims must be reported while the policy is in force. Extended Reporting Endorsement, or Tail Coverage, is necessary to protect you against claims reports presented after the policy expires.

What is an Extended Reporting Rider or a “tail?”

An extended reporting rider or “tail” allows you to stop your policy, but still have coverage for future claims that are made based on events that occurred during the time period your policy was in force. A “tail” protects you for practice activities during the time that your policy was in force. If you retire, or if you become disabled, the “tail” is offered to you at no cost.

How do I apply?

Apply online at www.naswassurance.org/getcoverage or call 855-385-2160.

Why are my premium rates increasing every year?

Claims-made liability insurance has small stepped increases during the early years for each individual insured in the program. Your rates increase for 6 years and then level off or mature. You should not expect additional rate increases on a mature claims-made policy unless the risk posed by policy holders necessitates an across the board increase or you form a legal entity.

How much insurance do I need?

You may want to consult your attorney to determine the limits you should purchase. You might find that most managed-care entities, hospitals, and facilities require you to carry at least \$1 million per incident and a \$3 million aggregate. The NASW Assurance Services, Inc. offers up to \$2,000,000 per claim/\$4 million aggregate coverage (\$3,000,000 per claim/\$5million aggregate in Virginia).

What happens if I need to change my policy before the renewal date?

Please call our member care unit for assistance 855-385-2160 or renew your policy at www.naswassurance.org/renewtoday.

Who can I call if I have additional questions?

If you have questions, please call 855-385-2160. We will be happy to answer all your questions. You can also email us at asi@naswasi.org.

