

# Pharmacist Spotlight:

## Reporting an Incident



Healthcare Providers Service Organization (HPSO) in collaboration with CNA has published the 2nd Edition of our *Pharmacist Claim Report*. The report includes statistical data and legal case studies taken from CNA's claim database, along with risk management recommendations designed to help pharmacists reduce their professional liability exposures and improve patient safety.

You can find the full report at: [www.hpso.com/pharmacistclaimreport](http://www.hpso.com/pharmacistclaimreport)

This Pharmacist Spotlight focuses on recognizing and reporting an incident, as well as steps to take if you believe you may be involved in a claim situation.

### Recognizing Incidents

Recognizing and reporting incidents are essential first steps in the medical claims process. But how do you know when you've experienced an incident?

Clinical concerns such as adverse treatment results and medication errors would be considered incidents. Incidents also include signs of patient displeasure, such as a letter of complaint or heated disagreement.

#### What exactly is a claim?

A claim means a demand for money or services. Claim also means filing of a suit or the starting of arbitration proceedings naming you and alleging injury or damage.

That means a claim could be any one of the following:

- A summons or complaint alleging an act or omission in the rendering of professional services.
- A letter, or any other document, or demand for services or money from you because of acts or omissions arising from professional services you provide.
- An oral threat or complaint indicating that a party is holding you responsible for damages arising from professional services rendered.
- Notice of arbitration filed against you for damages alleged from your professional services.

#### Filing a medical incident report

Timely reporting ensures that an incident, if it develops into a covered claim and is not excluded for other reasons, will be covered. While most reported incidents never move beyond that stage, it's difficult to predict which ones will develop into a claim. Having the events on record safeguards you, the patient, and the Insurer.

To report a claim, contact HPSO as soon as possible. HPSO will confirm your policy was in force during the alleged date of loss, and forward the materials on to CNA for immediate claims handling. We can also receive your claim information through electronic transmission for faster processing.

When contacting HPSO, please provide:

- Your policy number
- The telephone number and best time you can be reached
- An address where you can receive mail
- The date you received the claim
- The date of the incident
- The claimant name (if available)
- A brief description of the facts of the claim (if available)

To report your claim, please call 1.800.982.9491 or use our [online incident report](#).

Remember, the sooner you give notice, the sooner we can take action. After you report the claim, make sure you take the following steps throughout the claims process:

1. Do not discuss your claim with anyone, including the patient. Limit all discussion of the claim to your HPSO representative, your CNA claims consultant, or your attorney.
2. Do not sign or accept any document related to the claim from any party without obtaining approval from your CNA claims consultant.
3. Avoid discussing, commenting upon, or taking issue with any information you receive regarding judicial or administrative proceedings.
4. Be sure you do not admit liability, consent to any arbitration or judgment, or agree to any settlement proposal.
5. Be prepared to spend a substantial amount of time with counsel and your CNA claims consultant to aid in the investigation of your claim.
6. Report any communication you receive from the patient, patient's attorney or any state or federal administrative agency, licensing or regulatory authority, immediately to your CNA claims consultant.

### **What happens now?**

1. Your case is assigned to a claims consultant with claims-handling experience in the territory in which you are located. Your CNA consultant handles healthcare professional liability claims exclusively and will bring in-depth knowledge and understanding to your individual situation.
2. Your CNA claims consultant will acknowledge receipt of your notice of a claim by promptly contacting you to discuss the issues surrounding the incident in question. Be prepared to provide the CNA claims consultant with information regarding the claim. If CNA elects to open a claim file, they will inform you of the file number and the name of the consultant who will be managing the case on your behalf. CNA will acknowledge receipt whether or not a claim file is opened. Either way, CNA will provide the guidance you need to address any concerns as well as a means to keep in contact with us if your circumstances change.
3. Your CNA claims consultant also will review your insurance policy and advise you as to coverage issues that may be presented by the allegations. Occasionally, a claim is presented which falls outside of the coverages afforded to you in your policy. If this occurs, we will promptly confirm this with you by sending you either a Denial or a Reservation of Rights letter.

4. Your case will be appointed to a qualified and experienced defense counsel to represent you when necessary, in the event of a lawsuit. CNA will discuss attorney options available to you that meet the individual needs of your specific situation.
5. You will have supervised counsel's representation as long as the claim is pending. You can communicate directly with counsel and you as needed. Counsel is instructed to regularly contact you directly to keep you informed throughout the process.
6. Your CNA claims consultant will work with defense counsel to consider the defense, settlement and resolution of the claim and advise you as to our recommendations.
7. CNA is committed to keeping you informed every step of the way. Claims may be active for several years with little or no activity. However, CNA is committed to timely and regular communications with you to keep you apprised of the current status of your claim. You are encouraged to call CNA at any time for an update or if you have any questions.

### **Experience you can count on**

An insurance policy is much more than a piece of paper – it's a commitment to deliver the claims service that stands behind the policy. Our staff is highly trained in claim procedures and the handling of litigation. We encourage continuous education of our staff and provide on-site training by medical experts in specific areas of practice to ensure we have working knowledge of the profession, the standards, and the services being provided. We also stay up-to-date on the latest trends in claims and legal environment so you know we're providing the most accurate information.

### **Our commitment is to:**

- Consult with you appropriately on all issues of defense, settlement, and claim resolution.
- Make prompt assignments to defense counsel.
- Bring healthcare experts into the evaluation process early.
- Pay claims fairly and promptly while defending baseless claims aggressively.

To notify us, you may:

- Submit the form online by visiting [www.hpsso.com/support/incident-report](http://www.hpsso.com/support/incident-report)
- Print the form and fax to 1.800.758.3635
- Print the form and mail to:

Healthcare Providers Service Organization  
1100 Virginia Drive, Suite 250  
Ft. Washington, PA 19034

You will receive a response within three business days from our receipt of your incident report. If you need to speak to someone immediately regarding an incident, please call 1.800.982.9491, Monday through Friday, from 8:00 a.m. to 6:00 p.m., ET.



This information was excerpted from HPSO and CNA's full report, *Pharmacist Liability Claim Report: 2nd Edition*.  
[www.hpso.com/pharmacistclaimreport](http://www.hpso.com/pharmacistclaimreport)



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In addition to this publication, CNA and Healthcare Providers Service Organization (HPSO) have produced numerous studies and articles that provide useful risk control information on topics relevant to pharmacists, as well as information relating to pharmacist professional liability insurance, at [www.hpso.com](http://www.hpso.com). These publications are also available by contacting CNA at 1.888.600.4776 or at [www.cna.com](http://www.cna.com).

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For more information about HPSO, or to inquire about professional liability insurance for healthcare professionals, please contact HPSO at 1.800.982.9491 or visit [www.hpso.com](http://www.hpso.com).

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