

INCIDENT REPORTING REQUIREMENTS
of
FLORIDA INTERNATIONAL UNIVERSITY COLLEGE OF MEDICINE SELF-INSURANCE PROGRAM

Non-Delegable Responsibility:

Each individual who is an employee or agent of a protected entity of the Program has a non-delegable responsibility to report to the Program any occurrence or circumstance which has the potential of becoming a liability claim against you and/or your employer and/or the facility at which the circumstance occurred.

Incidents or Circumstances Required to be Reported:

Recognizing that no definition of a reportable incident will cover all circumstances and that it is often the magnitude of an injury rather than the actual quality of the care delivered that causes malpractice claims to be filed, the following conditions or incidents are among those which must be reported if they manifest while the patient is undergoing therapy or surgery:

1. Surgical procedure on the wrong patient
2. Attempted wrong site surgery, to include prepping the wrong site
3. Wrong site or wrong procedure surgery
4. Any condition that requires transfer to a higher level of care within or outside the facility
5. Retained foreign body
6. Surgical repair of injuries or damage from planned surgical procedure where damage is not a recognized specific risk disclosed to the patient and documented through informed consent process
7. Total or partial loss of limb, or loss of the use of a limb
8. Sensory organ or reproductive organ impairment
9. Disability or disfigurement
10. Any birth of a term baby that is stillborn or expires shortly after delivery
11. Injury or death to either mother or child during delivery
12. Shoulder dystocia resulting in a fracture or other injury
13. Delay or misdiagnosis of a patient's condition resulting in increased morbidity
14. Medication errors leading to injury, death, or higher level of care
15. Injury to any part of the anatomy not undergoing treatment
16. Any assertion by a patient of medical injury or a threat of litigation
17. Allegations of rape or sexual abuse or misconduct
18. Patient or family assertion that no consent was obtained for treatment (medical or surgical)
19. Any condition requiring specialized medical attention resulting from non-emergency medical intervention to which the patient has not given informed consent
20. Infant abduction or discharge of an infant to the wrong parents
21. Any incident that results in an unexpected death, brain or spinal damage, or any other injury not referenced above
22. Any other unexpected or adverse outcome or an event where established policy or procedure was not followed
23. Any other conditions that you feel may result in a claim

Standard reporting guideline:

The best guideline to follow for determination of whether a circumstance is reportable is that of common sense, sustained by the ever present awareness of the possibility of a claim. The standard practice should be: **when in doubt, report.**

GENERAL UNDERSTANDING

A volunteer of a state agency, as defined under Florida law, is a person who voluntarily provides services to the state agency with no monetary or material compensation. A regular-service volunteer is one who engages in specific voluntary service activities on an ongoing or continuous basis. A volunteer is entitled to certain benefits described under Florida law, including immunity to liability claims (as set forth in F.S. 768.28) for clinical acts and omissions which occur within the scope of those volunteer services. The Florida Board of Governors provides professional liability protection for these activities through the Florida International University College of Medicine Self-Insurance Program.

The document and supplements hereto specify the scope of volunteer activities of the individual identified herein. **To ensure personal immunity as described in 768.28, F.S., the volunteer must confine volunteers activities to those delineated herein and in supplements hereto.**

The individual volunteer waives any interest in patient fees generated as a result of volunteer patient services.

The volunteer or the Chairman or Associate Chairman may terminate the volunteer activities at any time through written notice to the other. Any change in the time frame, scope, and/or location of volunteer's services will be timely documented.

The volunteer must provide to the Chairman or Associate Chairman a periodic record of the hours of volunteer service at each approved clinical site, which will be provided to the Self-Insurance Program upon our request.

FLORIDA STATUTE, CHAPTER 110, PART IV (VOLUNTEERS)

110.501 Definitions - As used in this act:

- (1) "Volunteer" means any person who, of his or her own free will, provides goods or services, or conveys an interest in or otherwise consents to the use of real property pursuant to chapter 260, F.S., to any state department or agency, or non-profit organization, with no monetary or material compensation. A person registered and serving in Older American Volunteer Programs authorized by the Domestic Volunteer Service Act of 1973, as amended (Pub. L. No. 93-113), shall also be defined as a volunteer and shall incur no civil liability as provided by s. 768.1355. A volunteer shall be eligible for payment of volunteer benefits as specified in Pub. L. No. 93-113, this section, and s. 430.204.
- (2) "Regular-service volunteer" means any person engaged in specific voluntary service activities on an ongoing or continuous basis.
- (3) "Occasional-service volunteer" means any person who offers to provide a one-time or occasional voluntary service.
- (4) "Material donor" means any person who provides funds, materials, employment, or opportunities for clients of state departments or agencies, without monetary or material compensation.

110.502 Scope of act; status of volunteers

- (1) Every state department or state agency, through the head of the department or agency, secretary of the department, or executive director of the department, is authorized to recruit, train, and accept, without regard to requirements of the State Career Service System as set forth in part II of this chapter, the services of volunteers, including regular-service volunteers, occasional-service volunteers, or material donors, to assist in programs administered by the department or agency.
- (2) Volunteers recruited, trained, or accepted by any state department or agency shall not be subject to any provisions of law relating to state employment, to any collective bargaining agreement between the state and any employees' association or union, or to any laws relating to hours of work, rates of compensation, leave time, and employee benefits, except those consistent with s. 110.504. However, all volunteers shall comply with applicable department or agency rules.
- (3) Every department or agency utilizing the services of volunteers is hereby authorized to provide such incidental reimbursement or benefit consistent with the provisions of s. 110.504, including transportation costs, lodging, and subsistence, recognition, and other accommodations as the department or agency deems necessary to assist, recognize, reward, or encourage volunteers in performing their functions. No department or agency shall expend or authorize an expenditure therefor in excess of the amount provided for to the department or agency by appropriation in any fiscal year.
- (4) Persons working with state agencies pursuant to this part shall be considered as unpaid independent volunteers and shall not be entitled to reemployment compensation.

110.503 Responsibilities of departments and agencies - Each department or agency utilizing the services of volunteers shall:

- (1) Take such actions as are necessary and appropriate to develop meaningful opportunities for volunteers involved in state-administered programs.
- (2) Comply with the uniform rules adopted by the Department of Management Services governing the recruitment, screening, training, responsibility, use, and supervision of volunteers.
- (3) Take such actions as are necessary to ensure that volunteers understand their duties and responsibilities.
- (4) Take such actions as are necessary and appropriate to ensure a receptive climate for citizen volunteers.
- (5) Provide for the recognition of volunteers who have offered continuous and outstanding service to state-administered programs. Each department or agency using the services of volunteers is authorized to incur expenditures not to exceed \$100 each plus applicable taxes for suitable framed certificates, plaques, or other tokens of recognition to honor, reward, or encourage volunteers for their service.
- (6) Recognize prior volunteer service as partial fulfillment of state employment requirements for training and experience pursuant to rules adopted by the Department of Management Services.

110.504 Volunteer benefits

- (1) Meals may be furnished without charge to regular-service volunteers serving state departments, provided the scheduled assignment extends over an established meal period, and to occasional-service volunteers at the discretion of the department head. No department shall expend or authorize any expenditure in excess of the amount provided for by appropriation in any fiscal year.
- (2) Lodging, if available, may be furnished temporarily, in case of a department emergency, at no charge to regular-service volunteers.
- (3) Transportation reimbursement may be furnished those volunteers whose presence is determined to be necessary to the department. Volunteers may utilize state vehicles in the performance of department-related duties. No department shall expend or authorize an expenditure in excess of the amount appropriated in any fiscal year.
- (4) Volunteers shall be covered by state liability protection in accordance with the definition of a volunteer and the provisions of s.768.28.
- (5) Volunteers shall be covered by workers' compensation in accordance with chapter 440.
- (6) Incidental recognition benefits or incidental nonmonetary awards may be furnished to volunteers serving in state departments to award, recognize, or encourage volunteers for their service. The awards may not cost in excess of \$100 each plus applicable taxes.
- (7) Volunteers, including volunteers receiving a stipend as provided by the Domestic Service Volunteer Act of 1973, as amended (Pub. L. No. 93-113), shall be covered by s. 768.1355, the Florida Volunteer Protection Act.