



Risk Matters: Minimizing Risk with Temporary Employees



By Jeffrey A. Woods, JD

As reported by many news outlets and industry experts, the healthcare profession is suffering a severe shortage of workers at every level. This crisis was only worsened by the COVID-19 pandemic and is projected to continue for the foreseeable future. As a result, healthcare institutions and medical practices are hiring travel nurses and other temporary labor to offset the staffing shortages that currently exist. While temporary personnel can provide a much-needed stopgap, they can sometimes increase potential liability for providers and affect patient safety due to a lack of stability and continuity.

Travel nurses and other temporary staff are typically highly trained and experienced; but they often come from other states or regions of the country. For example, they may have previously practiced in a large urban facility or teaching hospital, whereas now they are being asked to work in a small rural community health center which often has limited





resources. Policies and procedures as well as technology (such as the EHR) can differ between these locations. Tasks which may be legally delegated can vary from community-to-community, and routine procedures such as when to contact the on-call provider can be inconsistent. Moreover, the standard of care in the current community may differ from that of their usual community. These differences can and should be addressed through discussion and training at the outset by the facility/employer to minimize risk.

Providers should also take affirmative steps to integrate the temporary staff and reduce risk:

- Use effective communication to ensure you are on the same page
- Be clear in your instructions
- Do not make assumptions about proficiency regardless of the level of experience
- Do not be afraid to follow-up
- Be approachable invite questions and encourage contact
- Document, document, document

The contents of The Sentinel are intended for educational/informational purposes only and do not constitute legal advice. Policyholders are urged to consult with their personal attorney for legal advice, as specific legal requirements may vary from state to state and/or change over time.