

Duke University School of Nursing Policy

Name: Clinical and Non-Clinical Placement Contracts

Original Effective Date: July 1, 2016

Review/Revision: November 4, 2019

Approval Authority: Dean of the School of Nursing

Responsibility: Associate Dean, Finance and Administration

Background:

Successful completion of a practicum experience is a required part of a high quality DUSON education. These experiences are supported by a combination of Duke-standard institutional affiliation agreements, clinical rotation agreements and other related documentation (collectively, "Training Agreements").

The DUSON Contracts Manager ("Contracts Manager"), who reports to the DUSON Associate Dean for Finance and Administration ("ADFA"), is responsible for coordinating and managing the Training Agreement contracting process for DUSON. The Contracts Manager uses only Duke-approved standard Training Agreements reviewed by Clinical Contracting Services ("CCS"). A proposed training site ("Site") may request changes or additions to these Duke standard agreements, or, alternatively, propose its own agreement. In general, any requested changes to the Duke standard agreement or proposed alternative Site agreements, or any other deviation from standard Duke contracting policies or processes, will not be approved by the ADFA without prior review by CCS.

The Dean of the DUSON has delegated to the ADFA the Dean's authority to either (i) approve and sign proposed Training Agreements (following completion of the contracting process) or (ii) reject practicum proposals and proposed Training Agreements (at any time). Such ADFA decisions are made following consultation with other responsible Duke officials (*e.g.*, the DUSON Dean, Associate Dean for Academic Affairs, Clinical Placements Manager, applicable academic program director, CCS, Duke University Health System (DUHS) Clinical Risk Management and/or Duke University Corporate Risk Management, and the Office of University Counsel).

Policy:

This policy includes the process and decision factors that comprise the review and approval or rejection of Training Agreements for acceptability relating to the placement of DUSON ABSN, MSN, DNP, and CRNA students for clinical and non-clinical practicum experiences, and if applicable, the associated student participation summaries, both in the United States and abroad. A proposed practicum experience or Training Agreement that is determined for any reason to not be in the best interests of Duke, DUSON and/or the student may be rejected by the ADFA at any time.

Decisions under this policy will involve a balancing of the need for a particular Site or experience against all known liability risks, including but not limited to:

- the compliance requirements of the Site;
- whether there will be appropriate supervision by the Site and preceptors of the student’s experience and activities;
- the location of the Site and availability of alternative Sites for the proposed experience;
- liability risks associated with the proposed experience and related clinical or other activities;
- documentation of and/or the availability of acceptable professional liability insurance coverage made available by the Site, DUSON or Durham Casualty; and
- CCS and DUHS Clinical Risk Management input with respect to other risks (for example, indemnities, student or DUSON compliance requirements imposed in the Training Agreement, limitations of liability, disclaimers or releases, etc.) and other terms and conditions in the Training Agreement.

Clinical Training Agreements (Sites Located in the United States)

1. Approvals will not be given for Training Agreements with Sites that would generally be expected to have professional liability insurance coverage, but do not have, cannot provide documentation that they have, or are unwilling to include language in the Training Agreement indicating they have, at least the minimum professional liability insurance coverage amounts required by the applicable state’s law, or at least \$250,000 per occurrence/\$750,000 annual aggregate (“Minimum Coverage Amount”) if a state does not require professional liability insurance. Exceptions to this rule may be considered under certain circumstances (unless other considerations unrelated to insurance dictate otherwise), such as for Sites:
 - that do not have professional liability insurance coverage due to the nature of the facility (e.g., community health site such as a church that is not a healthcare facility);
 - with commercial general liability insurance that does not exclude medical malpractice after review by DUHS Clinical Risk Management for advice;
 - with preceptors that are parties to the Training Agreements, that have the Minimum Coverage Amount, documented professional liability insurance covering the preceptor for the particular training activities contemplated in the Training Agreements; and
 - that are highly regarded and/or very large organizations known or determined likely to have Minimum Coverage Amount of professional liability insurance, despite the Site’s unwillingness to provide a copy of their certificate of insurance or to include a requirement in the Training Agreement that they carry at least the Minimum Coverage Amount of professional liability insurance. In such cases, the Contracts Manager will work with the ADFA and DUHS Clinical Risk Management to review the Site’s size and breadth of services and number of locations and determine the likelihood that the Site carries at least the Minimum Coverage Amount of professional liability insurance.
2. Training Agreements for CRNA training experiences at a Site that does not have the Minimum Coverage Amount of professional liability insurance will not be approved.

3. Neither the state nor county where a clinical training experience will take place, nor the type of specialty rotation to be completed, will generally be considered by the ADFA when making clinical rotation Training Agreement approval decisions. Location and specialty are not significant clinical Training Agreement approval decision variables unless another factor of concern exists, such as a Site having less than the Minimum Coverage Amount of professional liability insurance or Duke lacking authorization from the state's Board of Nursing to place students in the state, if required.
4. For Training Agreements in support of the clinical training experiences of MSN or CRNA students, the Site or supervising practitioner at the Site must agree to provide supervision to the students in the Training Agreement.
5. DUHS Clinical Risk Management recommends against DUSON approving Training Agreements with Sites that have professional liability insurance coverage less than \$1,000,000 per occurrence / \$3,000,000 annual aggregate due to attendant risks, however the ADFA has discretion to approve a Training Agreement with a Site that has such professional liability coverage.

Training Agreements for DNP Students and MSN Students in Non-Clinical Majors

No Patient Care or Human Subject Research:

Training Agreements with Sites offering non-clinical training experiences for students in MSN non-clinical majors do not typically have professional liability insurance coverage requirements because the training experiences do not involve patient care. Training Agreements with Sites where DNP students will be implementing a non-clinical quality improvement project may have professional liability insurance requirements if the DNP student is not an employee of the Site.

Patient Care or Human Subject Research Involved:

Training Agreements with Sites offering non-clinical training experiences for students in MSN non-clinical majors, or the DNP Program may have professional liability insurance coverage requirements if patient care or human subject research is involved. DUHS Clinical Risk Management recommends against DUSON approving Training Agreements with Sites that have professional liability insurance coverage less than \$1,000,000 per occurrence / \$3,000,000 annual aggregate due to attendant risks, however the ADFA has discretion to approve a Training Agreement with a Site that has such professional liability coverage.

International Training Agreements

For all approved international experiences, professional liability insurance coverage may be available under Durham Casualty policies, and not under the stand alone DUSON policies referenced above.

Consequently, Training Agreements for these experiences require approval of or an exception by DUHS Clinical Risk Management as well as the ADFA. The ADFA and DUSON Contracts Manager will also coordinate closely with DUSON Global Affairs leadership for international student experiences, including the evaluation of risks that are unique to the international student experience.

Summary of Insurance Policy and Required Approvals

			Applicable Policy		Approval Required	
	Agreement Type	Program	School of Nursing (Primary and Excess Professional Liability Policies)	Durham Casualty (Professional Liability)	SoN ADFA	DUHS Clinical Risk Mgmt
U.S. Domestic Site	Clinical	MSN clinical majors, CRNA	X	X	X	
	Non-clinical, <u>no</u> patient care or human subject research involved	DNP, MSN Non-clinical majors	X	X	X	
	Non-clinical, patient care or human subject research <u>is</u> involved	DNP, MSN Non-clinical majors	X	X	X	
International Site	Clinical	Any program		X	X	X
	Non-clinical	Any program		X	X	X

Procedure:

1. After the DUSON Clinical Placement Office has received a verbal or written commitment from a prospective Site to accept the placement of a DUSON student for a training experience, the Contracts Manager will request a current certificate of professional liability insurance from the Site, if required. The Contracts Manager will inform the ADFA (and, for proposed international training experiences, DUHS Clinical Risk Management) if the Site's professional liability limits are below \$1,000,000 per occurrence / \$3,000,000 annual aggregate.
2. If the Site does not have professional liability insurance for a proposed domestic clinical training experience or the insurance limits of the Site are below \$1,000,000 per occurrence / \$3,000,000 annual aggregate, the Contracts Manager will request an insurance exception approval from the ADFA. In accordance with this policy, the ADFA will consider all liability risk factors balanced against the need for the Training Agreement to be secured in deciding whether to approve an exception. This decision will be provided on a written form, which will be retained by the Contracts Manager in the DUSON Clinical Placements System for future reference.
3. If the Site does not have professional liability insurance for the proposed international non-clinical or clinical training experience or the insurance limits of the Site are below \$1,000,000 per occurrence / \$3,000,000 annual aggregate, the Contracts Manager will request an insurance exception approval from DUHS Clinical Risk Management. In accordance with this policy, DUHS Clinical Risk Management will consider all liability risk factors balanced against the need for the Training Agreement to be secured in deciding whether to approve an exception. This decision will be provided in writing, which will be retained by the Contracts Manager for future reference.
4. After receipt of the Site's certificate of professional liability insurance or the ADFA's or DUHS Clinical Risk Management's (as applicable) approval of an insurance exception, the Contracts Manager will send DUSON's standard agreement to the Site. If the Site will not provide its certificate of professional liability insurance but will agree to professional liability coverage requirements in the Training Agreement, the Contracts Manager may send DUSON's standard agreement to the Site. If the Site provides its own agreement, such agreement will be reviewed by the Contracts Manager and CCS. All agreements and changes to agreements will be reviewed by CCS before being presented to the ADFA for signature.
5. Provisions that are outside of DUSON's standard agreement will be reviewed by the Contracts Manager, CCS, the applicable DUSON academic programs leader (as needed), and/or the ADFA prior to acceptance or rejection of such provisions during negotiation of the agreement with the Site.
6. The ADFA will be informed of all provisions in the Training Agreement that are outside of DUSON's standard agreement or required professional liability insurance minimums in a memo from CCS requesting the ADFA's approval of the Training Agreement. This memo will be retained by the Contracts Manager in the Clinical Placement Contracts share folder for future reference. Training

Agreements will be complete once they are signed by the ADFA and the Site's authorized representative.

7. The Contracts Manager will document the approved Training Agreement and any special compliance requirements or provisions in the DUSON Clinical Placements System for reference, compliance and enforcement by the DUSON Clinical Placement Office.