



CONTINUUM OF LIABILITY EXPOSURE FOR CHILD CARE HEALTH CONSULTANTS

Child care health consultants engage in a variety of activities and each presents a possibility of liability exposure. Based on general legal principles and experience, some types of activities pose a greater degree of exposure than others. Simply stating that a particular activity may have a higher risk of liability exposure does not mean that liability will definitely occur; nor does it mean that the activity should be avoided. Instead, the purpose of this list is to give consultants a sense of relative exposure resulting from the varied activities in which consultants might engage. Activities with higher liability exposure should be carefully considered, and any and all actions should be taken which might serve to minimize exposure if it is determined that such activities will be undertaken (see CCHP document entitled "Liability Exposure and Child Care Health Consultation").

In general, the more child specific and less program general the activity is, the greater the liability exposure. Activities seen as "clinical" rather than "educational" would also be seen as presenting greater liability exposure. Finally, those activities which take place under emergency conditions and which are not covered by Good Samaritan laws would also result in greater liability exposure.

Activities with Lesser Exposure

1. Providing referrals to community resources, including assistance with enrollment for health insurance
2. Providing current written health and safety information with disclaimers; development of health care reference manuals
3. Operation of a health information lending library
4. Offering health education on topics to staff, parents, children
5. Developing surveillance systems, reporting forms

Activities with Moderate to Greater Exposure

1. Creating, updating, modifying health policies and procedures
2. Undertaking health and safety assessments, ranging from providing improvement plans to reduce risk to identifying and correcting imminent health hazards
3. Vision, hearing, or speech screenings; developmental assessments
4. Implementing an individualized care plan
5. Training staff in specific procedures using specific equipment

Activities with Greater Exposure

1. Training staff in specific procedures using specific equipment which are complex, could result in significant injury if performed incorrectly, etc.
2. Case management
3. Development of individualized care plans
4. Diagnosis and/or treatment of individual children/staff
5. Advice given in a specific situation concerning particular children, especially in an emergency (if not covered by Good Samaritan statutes)
6. Immunizations (if not given as part of a program covered by statutory immunity provisions or not required by law)