

Contractors and Health Care Facilities

Overview

During normal daily activities at a health care facility, a variety of outside contractors may conduct activities on the premises. The three major types of contractors include:

- healthcare workers
- maintenance and construction workers
- “other” patient services providers

It is important for the facility to:

- Work with the contractors to reduce the chances of an incident that could result in injury, damage, or a claim.
- Minimize the liability exposure of the facility for any operations not exclusively under the control of the facility.

Risk Controls

Select Qualified Contractors

Selection of a qualified contractor is the key to effective loss prevention. Key aspects of the selection process include experience, education and training, reference checks, etc.

Review Contracts

Ensure that all contracts with outside vendors are reviewed by facility counsel prior to consent. Use hold harmless agreements favorable to the facility whenever possible. Ensure that hold harmless agreements *not* favorable to the facility are approved by the administrator/risk manager and facility counsel prior to consent.

Obtain Certificates of Insurance

Require any vendor who presents a potential liability to the facility to provide a certificate of appropriate liability and other insurance, which has limits equal to those expressed in the facility’s own insurance program. Try to have the facility properly listed as an additional named insured. Be sure that a qualified person reviews the certificate, and maintain a current copy on file at all times. Be sure to review all appropriate documentation, including practicing licenses, and maintain current copies on file.

Enforce Safety Rules

Contractors involved in construction or maintenance activities on the premises pose unique safety exposures to the facility. It is essential that your facility enforce safe operating procedures and compliance with appropriate safety codes.

LOSS CONTROL TIPS

Require each contractor to read and sign a pre-work safety agreement in which he or she agrees to:

- Conduct maintenance or construction activities in a safe manner and in compliance with any applicable safety codes.
- Complete all work so that it will meet or exceed any applicable codes.
- Notify the facility of any unsafe conditions or accidents.

Immediately report any safety concerns regarding the contractor's work to the safety committee or administrator/risk manager to initiate proper remedial action. In addition, be sure that the monthly safety inspections conducted by the safety committee or administrator/risk manager address any work being done on the premises that may affect the facility. Based on the size, scope and exposure of the construction/maintenance activities, additional worksite inspections may be needed.

Major work that may significantly interfere with facility operations should trigger more active accident prevention and safety activities. For example, when new construction or renovation is considered, the first step would be to initiate a pre-construction planning program, amend emergency response and evacuation procedures, implement supplemental fire protection, etc. Ensure that no activities compromise any safety features, including existing fire protection, life safety, resident safety systems, safety for to the general public, etc.

The administrator/risk manager should also consult the insurance agent to discuss any additional insurance issues such as limits, notification, coverage, etc. that may be necessary.

For more information, contact your local Hartford agent or your Hartford Loss Control Consultant. Visit The Hartford's Loss Control web site at <http://www.thehartford.com/corporate/losscontrol/>

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