

July 24, 2020

## HIROC and COVID-19: Your Questions Answered – Bulletin Number 11

HIROC is committed to providing you, our Subscribers, with the information you need now for your COVID-19 response.

This is our eleventh bulletin where we answer your COVID-19 questions regarding

- [Student Reintegration – follow-up](#)
- [Mask compliance](#)
- [Essential Care Partners](#)
- [Reintegration of Volunteers](#)

As a reminder, you can request an email copy of previous bulletins by replying to this email, or sending a request to [communications@hiroc.com](mailto:communications@hiroc.com).

Additionally, Subscribers have access to the Questions & Answers page by logging in to [HIROC.com](https://www.hiroc.com) and selecting *COVID-19: Your Questions Answered* from the Member Portal Links dropdown.

We encourage you to reach out anytime if you need clarity around any risk, safety, claims, or coverage issues.

**For the purpose of explaining some insurance issues relating to COVID-19, we are, of course, summarizing some of HIROC's, and in certain circumstances, our excess insurers' policy coverages. The policy wording is not changed by this overview. As always, the facts and circumstances of each claim will determine if, and how, coverage under the HIROC policy would apply.**

We will continue to provide information around coverage and risk management as the situation unfolds.

As your trusted healthcare safety advisor we encourage you to reach out anytime—we're here for you!

## Educational liability – follow-up

- 1. Question: We are being advised that some educational institutions now have COVID-19 or more generally, contagious/communicable disease exclusions in their own insurance coverage. Because of this, questions have arisen as to whether we should permit the reintegration of students without complete insurance coverage. In addition, we are being asked, in some instances, to take on additional risk in our existing educational placement agreements through signing a new waiver or exemption in respect of COVID-19-related claims. What should we consider?**

**Answer:**

In Bulletin 7 (April 29, 2020) we reflected on general considerations for reintegrating learners into Subscriber workplaces for completion of their professional placements. This topic was broadened in Bulletin 10 (June 8, 2020) to comment on the introduction of COVID-19-related exclusions being discussed by other insurers. HIROC advised that Subscribers should carefully consider the increase in risk and recommended that Subscribers not sign additional waivers or grant contractual indemnities. This recommendation was not, and is not intended as a HIROC imposed restriction on reintegration of students.

HIROC has worked with some of our Subscribers on this topic and support their decisions: to reintegrate students even if their educational institutions cannot confirm they have COVID-19/communicable disease coverage in their liability insurance policies; to ask that these educational institutions continue to seek the required coverage; and to not sign waivers or additional indemnities in favour of educational institutions.

WE STRESS THAT THIS ADVICE IS IN RELATION TO LIABILITY COVERAGE, I.E. THE INSURANCE WHICH WOULD BE CALLED INTO PLAY IF A THIRD PARTY (FOR EXAMPLE, A PATIENT) INITIATES LEGAL ACTION, AND DOES NOT CHANGE THE ADVICE THAT STUDENTS IN CLINICAL PLACEMENT SITUATIONS HAVE THE BENEFIT OF WORKERS' COMPENSATION OR EQUIVALENT COVERAGE.

It remains HIROC's advice that Subscribers carefully consider the implications of taking on additional liabilities related to student placements and COVID-19, and it is not recommended that you sign liability waivers or grant contractual indemnities to this effect.

HIROC is committed to supporting you with the reintegration of learners and we remain ready to assist with clarifying these and any other insurance issues you may have and can be reached through [riskmanagement@hiroc.com](mailto:riskmanagement@hiroc.com).

## Mask compliance

### 2. **Question: How might we approach individuals that refuse to wear a mask when coming to our organization?**

#### **Answer:**

Subscribers have been inquiring about how to manage non-compliant individuals who present at a healthcare facility which enforces a policy requiring such persons to wear an appropriate mask or face-covering.

It is prudent to have a protocol or process in place to approach this situation when it arises.

Healthcare facilities have the responsibility to conform to best practices designed to ensure the safety of its patients, staff, visitors, and the public. During this pandemic, the governmental and public health authorities have addressed their responses in a manner which reflects the unique epidemiological characteristics of the areas within their jurisdiction. This has created a broad spectrum of local regulations ranging from municipal bylaws mandating the use of masks in all public buildings, Medical Officer of Health directives or recommendations, to federal, provincial, and territorial guidelines. There is wide variation among healthcare facilities, as to their local and regional regime concerning the use of masks.

In the face of this, many healthcare facilities have adopted a policy of compliance with mandatory use of face masks. This may be a responsible step to secure the safety of the clinical environment.

It is also important for any policy which requires mandatory use of masks to consider “exceptions” and a process for determining whether the exception, may be valid (e.g. immediate medical intervention required, clinical exacerbation).

While the healthcare facility may have the right to decline its services when there is a refusal to comply with mandatory face mask policies, it is important to consider the balance of the objectives of mandatory face mask policies and any appropriate exceptions/accommodations which may be employed when there is a critical need for patients to receive care.

## Essential Care Partners

### 3. Question: Is there a standard approach to welcoming back care partners or visitors?

#### Answer:

There is no single approach to welcoming back care partners or visitors.

The SARS-CoV-2 pandemic has placed limitations on healthcare organizations having care partners during a patient's visit. These limitations are in place to promote the safety of patients, healthcare providers, and the public, as well as prevent the spread of the virus. Across Canada, governmental and public health authorities are advising on principles based on local best practices. It is important to follow this advice as you reflect on welcoming back care partners and allowing regular visitors.

It may be prudent having a Committee of experts continuously monitor and consider revisions on your existing care partner and visitor policies for:

- the purposes of clarity of who essential care partners and visitors are;
- criteria for accompanying a patient and visiting a patient,
- screening procedures, and
- infection prevention and control protocols.

It is also an important risk management reflection to ensure a clear and timely appeals/reconsideration process for specific cases.

Finally, it is important to have a committed conversation with care partners to better understand how to meet their needs and those of the patients, while promoting the safety of others and following governmental and public health requirements.

#### Resources:

- [Re-Integration of Family Caregivers as Essential Partners in Care in a Time of COVID-19](#), Canadian Foundation for Healthcare Improvement, July 2020
- [Care Partner Presence Policies During COVID-19](#), Ontario Hospital Association, June 2020

## Reintegration of Volunteers

### 4. **Question: We are planning on having Volunteers return to select areas. Is there anything we should consider?**

#### **Answer:**

It is important to follow the advice of governmental and public health authorities on this topic. Given the importance of this decision, you may wish to draw on the expertise of a Committee which is comprised of persons who can bring a balanced approach to assessing risks and benefits.

Some considerations for a planned reintegration of Volunteers include:

- Assessing all Volunteer roles to identify and prevent or reduce any risks of exposure.
- Developing or revising all policies as needed to support the safe reintegration of Volunteer services.
- Documenting all respective Committee decisions and actions taken.
- Having a committed conversation with Volunteers on any potential risks to ensure Volunteers are able to make an informed decision about their involvement based on the best known information.
- Sharing information with Volunteers in relation to any health and safety risks associated with SARS-CoV-2 in your facility and the precautions you have instituted.
- Ensuring Volunteers receive the necessary education and training pertaining to your Infection Prevention and Control policies, protocols, and precautions.
- Allowing ample time and opportunities to share any concerns and create an environment that promotes safety.
- Ensuring Volunteers have access to a resource and support in the event they may have any future questions or concerns.
- Ensuring Volunteers are aware of the importance of escalating and reporting any concerns, uncertainties, or feelings of being unsafe.

We hope you will find this to be helpful. If you have any further concerns or questions regarding your insurance coverage, please contact Shahbaz Haque, Director of Insurance Services at [shaque@hiroc.com](mailto:shaque@hiroc.com), risk management support at [riskmanagement@hiroc.com](mailto:riskmanagement@hiroc.com), or me at [cgaulton@hiroc.com](mailto:cgaulton@hiroc.com).

Sincerely,

Catherine Gaulton  
CEO, HIROC