



CNA HealthPro

FAQs – Hygienist Liability Insurance Issues

Q. My dental hygienist has asked me if she needs to have her own professional liability policy. What considerations are important, and what does my PPP policy cover with respect to the actions of a hygienist working in my office?

A: Whether your hygienist needs her own liability policy is a personal decision and depends on a variety of factors. Fortunately, malpractice claims against hygienists are uncommon. Here are seven issues for hygienists to consider.

1. ***Is the dentist in whose office I work insured?*** Most dentists carry professional liability insurance. However, some do not. A hygienist who mistakenly believes her employer has insurance could be in for a surprise if a claim arises.
2. ***Is the dentist's coverage current?*** Although a dentist may have shown a hygienist proof of insurance in the past, the hygienist should verify each year that the policy has been renewed and is in force.
3. ***Assuming the dentist is insured and the coverage is current, does the professional liability policy include vicarious liability coverage for hygienists?*** Not every insurance company's dental professional liability policy includes coverage for employee and/or independent contractor hygienists. The Professional Protector Plan (PPP) dental professional liability policy provides coverage to "any of your employees other than a dentist, but only while acting within the scope of their duties as such." This employee coverage includes both employee and independent contractor hygienists only "while acting within the scope of one's duties related to the practice of your profession under sole direction or supervision of the named insured." In addition, coverage is, of course, evaluated based upon the terms and conditions of the entire policy and the specific circumstances of the individual loss.
4. ***Do I ever work outside the supervision (and therefore, the insurance coverage) of my employer? If so, am I protected through some other form of insurance or indemnification agreement?*** Most professional liability policies that cover employees do so only to the extent that the employee is working under the supervision and control of that insured dentist. If a hygienist works for multiple dentists, or in other practice settings, she should confirm the coverage for each practice setting or location.
5. ***What procedures am I performing in the course of my hygiene duties, and how significant are the risks associated with those procedures?*** Prophylaxes and scaling and root planing lead to few injuries, and thus, few dental professional liability claims. Additionally, such claims usually do not involve a significant injury and therefore are not of a considerable claim value. However, a hygienist who provides a local anesthetic injection that leads to an inferior alveolar or lingual nerve injury would be facing a much more substantial claim demand.
6. ***How significant are my personal assets, to the extent I (and my family) would be viewed as a "deeper pocket" than the dentist for whom I work?*** A wealthy hygienist could potentially be a greater target in a professional liability claim than the dentist.

7. ***Do I feel the dentist's policy limits are adequate to protect my interests?*** If the dentist's professional liability limits are unusually low, the hygienist could be exposed to liabilities above and beyond the policy limits of her employer's coverage.

Yet another important point is that PPP-insured dentists are themselves covered for damages relating to dental incidents caused by anyone for whom the dentist is legally responsible. They are protected for the vicarious liability arising from the actions of hygienists working in their offices, whether or not the hygienists are employees or independent contractors.

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