



COVID-19 Nursing & Allied Health Programs During a Pandemic Frequently Asked Questions

Governor Gavin Newsom Executive Order N-39-20 – Health Corps Program

“Governor Gavin Newsom today {March 30, 2020} launched a major new initiative to expand California’s health care workforce and recruit health care professionals to address the COVID-19 surge. Health care professionals with an active license, public health professionals, medical retirees, medical and nursing students, or members of medical disaster response teams in California are all encouraged to join the new California Health Corps.”

1. How should districts respond to students or staff who express interest in joining the California Health Corps under this executive order?

While participation is voluntary and considered independent of your district’s program, districts may advise students and staff that their desire to participate is a personal choice, and they may wish to consider what is best for their health, safety, clinical experience, and academic growth when making a decision.

2. How does the college’s workers’ compensation coverage respond to students or staff who choose to join the California Health Corps?

Students or staff participating in the California Health Corps would not be considered a Covered Party; therefore, no coverage would be afforded under ASCIP’s Memorandum of Coverage (MOC) for these outside activities.

Due to the uncertainty of how insurance carriers and courts will address these situations, ASCIP recommends students or staff review their agreement with California Health Corps to confirm they are protected for workers’ compensation insurance.

3. How does the college’s professional liability coverage respond to students or staff who choose to join the California Health Corps?

Students or staff participating in the California Health Corps would not be considered a Covered Party; therefore, no coverage would be afforded under ASCIP’s Memorandum of Coverage (MOC) for these outside activities.

The State of California’s website states that health care professionals signing up through that website “will be given malpractice insurance coverage.” The scope and limits of that coverage is not detailed on the site. However, if there is district involvement in the form of district supervision, or if the District provides course credit, depending on the circumstances involved, it seems plausible that the District’s professional liability coverage could somehow become implicated.

[\(https://covid19.ca.gov/healthcorps/\)](https://covid19.ca.gov/healthcorps/)

Due to the uncertainty of how this issue will be addressed, and the wide variety of particular circumstances involved, ASCIP recommends consulting with legal counsel to consider the risks involved with your specific situation before consideration is given to any district-sponsored transfer of students to participate in COVID-19 activity.

Internships

1. How should Districts address the increased exposures of an onsite (i.e. hospital, clinics) curriculum module for Nursing Students?

Student internships are usually governed by agreements in which the community college or district assumes significant liability for the actions, both general and professional, of the interning student.

Due to the uncertainty of how insurance carriers and hospitals, clinics, etc., will address these issues, ASCIP recommends districts review their current agreement with any outside agency, consult with legal counsel and evaluate the exposures of any district-sponsored transfer of students to participate in the outside agency's onsite curriculum during COVID-19 pandemic.

2. Are student interns covered for workers' compensation when interning out-of-state?

That depends on several factors, including the state involved, the workers' compensation laws of the applicable state, the terms of your policy/MOC, the terms of the facility agreement, and whether the intern is earning course credit through the internship program.

Subject to conditions and exclusions, ASCIP's MOC reads as follows:

*"While participating in activities required by the **Named Covered Party** for completion of course work in approved academic fields or while acting solely within the scope of their duties as authorized by the **Named Covered Party** to provide services to third parties and while serving in a supervised internship or externship as part of their educational program.*

ASCIP will pay benefits on behalf of the Named Covered Party for Bodily Injury to an Employee who, in the course of their employment by the Named Covered Party, is temporarily performing duties in a state other than California, or while traveling to or from any state other than California. ASCIP will pay the benefits as imposed in accordance with applicable state law.

This coverage provision shall not apply to the states of Ohio, North Dakota, Washington and West Virginia".

A consideration is whether the unpaid student intern is getting course credit through the internship program. If there is no course credit, then workers' compensation coverage may not be available. ASCIP recommends reviewing the agreement with the facility where the student is an unpaid intern since some of these agreements dictate that the facility is required to provide the workers' compensation coverage, not the District.

3. Are student interns covered under the district's workers' compensation coverage while working/studying virtually from their home?

Interns are covered for workers' compensation while participating in the practical portion of the curriculum, not during in-class (including virtual) curriculum. ASCIP recommends districts review the scope of classroom study and practical study to provide clarity to staff and students. If the virtual working/studying from home is practical training, ASCIP recommends students adhere to the district's temporary work-from-home procedures.

RESOURCES

ASCIP recommends Districts continue to monitor and follow the directives issued by the Center for Disease Control and Prevention (CDC), California Department of Public Health (CDPH), local health departments, the California Office of Emergency Services (Cal OES), and the World Health Organization (WHO).

<https://www.cdc.gov>

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-ihe-response.html#role>

<https://www.who.int/>

<https://www.cdph.ca.gov/>

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-faq.html>

Please contact your ASCIP risk services consultant at (562) 404-8029 to discuss further.