PCH Counsel Donna Fudge from Florida who was recently appointed to the National COVID-19 Defense Counsel presented at a free webinar for all PCH insureds and counsel. Here are her recommendations and tips on *Long Term Care Challenges During the Covid-19 Crisis.*

Although some states have passed various immunity laws and the federal government is considering a similar measure, even if those immunities apply, they likely will not apply to conduct that is considered “gross negligence” or “willful misconduct.” So long term care facilities must keep a record to demonstrate their efforts during the pandemic to avoid such allegations.

Some allegations we’re seeing are:

* Failure to use proper infection control measures (infection protocol, PPE, etc.)
* Negligently allowing symptomatic caregivers to treat residents and/or without wearing proper PPE
* Violation of federal health guidelines
* Failure to have staff meetings to train/update staff
* Allowing Covid + residents to share a room

*Check out our members only section “Member Resources” under “Pandemic Resources” to read more:*<https://www.pcalic.com/pcalic-members/>

Ms. Fudge also gave tips for Avoiding or Defending Claims Against Your Facility.

*Pandemic Practices*

* Be very careful about (try to avoid) taking and posting photos (may depict improper PPE usage, selfies depict parties not social distancing (even 6 feet now not considered enough in the ever-evolving studies and guidelines related to Covid-19)
* Staff should not post work-related photos on social media
* Review all marketing materials, including website and social media, view it through the lens of the post-pandemic world, i.e. no big groups, parties, touching

*To get the full list of tips, check out our members only section “Member Resources” under “Pandemic Resources” to read more:*<https://www.pcalic.com/pcalic-members/>