Clarify and Document Your Volunteer Activities

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Abstract

In order to protect themselves from the unlikely event of being sued, childbirth educators who offer volunteer services would do well to clarify their responsibilities and document their activities.

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Question

I do volunteer work at a clinic in my community, mostly advising and teaching young expectant mothers. This is wonderful, because I can work when I want, doing something that I enjoy. But a conversation with staff started me worrying. Can I be sued for doing volunteer work?

—A childbirth education teacher in New York

Answer

It is not likely—but yes, it is possible. Who is the clinic's attorney or administrator? I suggest that you address your concern with that person, not just your staff friends. Learn more about the clinic's role and yours. What are the clinic's responsibilities and liabilities? Is the clinic private or state run, for profit or nonprofit? What are your responsibilities? What are your liabilities? What has the clinic done, if anything, to protect volunteers?

If you were sued, an award against you is also unlikely, unless you engaged in deliberate, outrageous conduct. Most volunteers are sympathetic defendants. Also, a public policy exists in favor of volunteers and it creates

a legal argument in defense of community volunteers. The best known example of this is "The Good Samaritan Act." This act is actually a number of state laws that put this public policy into legislation. The public felt that the extra step of legislation was necessary to actively encourage volunteer bystanders, including professionals, to render emergency first aid. In order to encourage volunteer participation by professionals, some states also have lower certification or licensure fees for professionals who provide services in an exclusively volunteer capacity.

It is important to add that in your volunteer activities you have a duty to do what a reasonable professional with your education and experience would do in similar circumstances. The standard of services to which a client is entitled does not change or lower just because the provider is a volunteer. If you accept a responsibility, you have to do it right.

You have additional protection if the clinic has a written description of your role and your duties as a volunteer. If they do, be sure you have a copy; if they do not, request that you have one. Then be sure that you function within that description.

In the meantime, here are some suggestions:

Clearly introduce your role at the clinic to the mothers. "Hi, I'm Jane, a volunteer teacher here at the clinic"—not "your nurse" or "the prenatal educator" or any other title that may not be wrong but might mislead a client to expect more from you than you are bargaining for (e.g., follow-up care or financial liability).

Identify other resources to the patient for follow up. "Since I am a volunteer, I may not be here when you

call back. If you have questions, call Dr. Sue or Ms. Coordinator."

When you identify your responsibilities with the clinic, be sure that you are comfortable with any risk. Do not accept responsibilities such as assessment, diagnosis, or planning an intervention, which are high risk. You can screen and you can complement a team that is providing care, but tempting as it is, do not take the lead role, even for a course of instruction for patients, unless you are ready to accept more risk.

When in doubt about whether an activity is your responsibility, first, reread anything that is written, then ask a supervisor. If you are uncertain, say something to a client, like, "Let me get someone else who is better situated to help you with that."

I also suggest that you document your volunteer activities, perhaps in a calendar. If a question did arise, you would be able to demonstrate your usual activities at the clinic and the amount of time that you have volunteered. This would take very little time and could come in handy, in a number of ways, not just to defend in a possible, but unlikely, lawsuit. If staff ask what you have been doing, or if staff want to describe your activities to nominate you for an award, or if you decide to apply for or renew a certification, or you want to update a resume and return to the workforce, or you need to renew an inactive professional license in some states, or you just want to write a letter to your mother, you can open up your calendar to remind yourself of what you have been doing this year! Documentation is a good professional habit. A little documentation can go a long way toward enhancing your life.

Giving of Yourself

Generosity is giving more than you can, and pride is taking less than you need.

—Kahlil Gibran

My grandfather once told me that there were two kinds of people: those who do the work and those who take the credit. He told me to try to be in the first group; there was much less competition.

—Indira Gandhi