

Negligence vs. Gross Negligence

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... What is the difference between the two? Why does it matter? As to the difference, negligence can be generally defined as the failure to exercise that degree of care that would be exercised by the reasonably prudent therapist under like circumstances – the “reasonable person test.” The term “gross negligence” may be defined as an extreme departure from the ordinary standard of conduct or the want of even scant care. In many states, licensing boards have authority to take disciplinary action against licensees who commit an act of gross negligence, but do not have the authority to take disciplinary action for an act of ordinary negligence. Repeated or multiple acts of negligence, however, may constitute grounds for disciplinary action. Both kinds of negligence are actionable in a civil action for monetary damages for the harm caused by the actions of the therapist or counselor.

Does your regulatory board have the authority to take disciplinary action against you for a mere act of negligence? Or, must there be more? It is not unheard of for licensing boards to exceed their lawful authority in their zeal to protect the public. It is important for you to know what your rights are and what the limits are to the licensing board’s legal authority over your license – your livelihood.

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