

Employee Training: Sales Representatives in the Operating Room

While sales representatives are integral to the success of medical device companies—not to mention the success of health care professionals who rely on their expertise—**sales representatives are also a frequent source of products liability risk.** Too often, mistakes made by sales representatives, particularly those made in operating rooms, result in serious products liability consequences for medical technology and life sciences companies. In order to minimize potential liability, **sales representatives need to be adequately trained on products liability risks and appropriate preventative practices.**

This course provides participants with an **understanding of basic products liability concepts and offers tips to help sales representatives avoid inadvertently creating grounds for products liability claims.** By heightening products liability awareness among its sales representatives, a company can do much to preserve its defense position and reduce the costs and stress associated with products liability litigation.

Course Overview: This course:

- Provides an overview of **basic products liability concepts**;
- Explains the **various behaviors** sales representatives sometimes inadvertently engage in while in the OR (e.g., the wrongful practice of medicine, etc.) that can **expose a company to potential liability**;
- Discusses the **importance of patient consent forms**, using actual forms as examples;
- Explains the **“failure to warn”** claim, including why it is a favorite amongst plaintiffs’ attorneys, and what a sales representative can do to ensure that he or she does not accidentally create a basis for a failure to warn claim;
- Describes what to do when a sales representative learns of or witnesses an **off-label use** of a product;
- Examines **case studies** based on actual claims to illustrate how companies have been affected by sales representative behavior; and
- Describes how the information a medical device company provides to its customers, both physicians and patients, can wind up being used against it by a plaintiff during litigation and what sales representatives can do to **prevent company information from being exploited.**

Course Format: PowerPoint presentation, group discussion, small group break-out sessions and exercises, questions and answers.

Contact your broker or our Loss Control Department to schedule a training session. Our Loss Control Department offers a variety of educational programs designed to assist medical technology and life sciences companies with reducing their potential products liability exposures. Our training programs may be included as a complementary service to our policyholders or are available on a discounted basis, depending on the specific needs of the company. We also conduct these programs for companies that are not insured by Medmarc on a fee-for-service basis.