COLLABORATING WITH LEGAL COUNSEL AND OUTSIDE STAKEHOLDERS

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Recognize opportunities to demonstrate risk management can be a significant source of “preserved revenue.”

- Risk/Insurance/Claims often viewed as a loss leader.

- You must show how effective risk management can reduce overall costs of providing health care at your facility
The Cost of Medical Malpractice

- Overall annual medical liability system costs, including defensive medicine, are estimated to be $55.6 billion dollars nationwide.

- Florida has experienced the highest annual trend rate in the nation among states analyzed and Florida hospitals loss rates are 2.8 times the national average.

- Claim severity has also increased sharply and projected annual trends are above the national average.

- Claim frequency has steadily increased at a higher rate than the national average and is expected to continue to increase an additional 2% each year, ensuring that Florida will continue to be one of the nation’s leaders in total.

- The average indemnity payment has risen from $235,500.00 in 2011 to $342,300.00 in 2015.
Partner with Outside Counsel to Recognize Risk Avoidance Opportunities

- Trends in medical malpractice litigation
- Trends in discovery that increase severity of claims
- Educate leadership, nurses and staff on documentation/risk avoidance/interactions with patients and family.
- Partner with codefendants towards a collaborative defense
- Partner in disclosure programs
Be a “Partner” with Your Local AHCA Surveyors to Avoid Administrative Penalties, Fines and Licensure Issues

- Having a cooperative relationship with your surveyors may allow you to avoid incidents that will trigger an unannounced visit.

- May allow an open communication during surveys and investigations that rescue the likelihood of deficiency findings.

- Removes the feeling of an adversarial process.
Who are our other outside Stakeholders?

- Brokers
- Insurance Companies: loss prevention specialists and claims managers (primary and excess)
- FDA
- Police and Fire Department
- Schools
- Other healthcare facilities, partners
- Contracted physician groups
- Professional organizations
Show Leadership, Staff and Physicians that Risk Management Is a Resource and is not a Department to be Avoided
Recognize Opportunities to Leverage Resources Already in use that Bring Value to your Organization

- Patient Safety Organizations
- Adverse Incident reporting software/data
Role as Risk Manager Policy and Procedure

- Development of policy, procedure and protocol can facilitate efficient operations in the hospital or facility
- Be aware of “death by policy”
- Sometimes the correct decision is to rescind policy or make it less stringent
- Be mindful of creating such specificity that it is unlikely to be followed
- Educate your staff on the policies and protocols the hospital promulgates
From your attorney: Help me Help you!!