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GEORGIA'S SOURCE FOR IMPORTANT PHYSICIAN INFORMATION

Risk Management Tips

Double-Check Your Facility's Injection Procedures

Training your staff to follow injection practices is crucial in preventing patient-to-patient transmission of blood borne pathogens. In the January 6 issue of the *Annals of Internal Medicine*, the CDC reported data from a new study that has implications for a need to define and reinforce safe injection practices.

A review of Hepatitis B Virus (HBV) and Hepatitis C Virus (HCV) outbreak information revealed 33 outbreaks in non-hospital health care settings in the last decade: 12 in outpatient clinics, 6 in hemodialysis centers, and 15 in long-term care facilities resulting. This resulted in 448 persons acquiring the HBV or HCV infection. These recognized outbreaks are difficult to detect and indicate a wider and growing problem.

The concern is that smaller facilities like physicians' offices and outpatient clinics have limited resources for infection control training and oversight, therefore diligence is necessary to ensure safe practices. MAG Mutual's Risk Management & Patient Safety Department recommends that practices pay particular attention to these unsafe methods:

- Using a bag of saline or IV fluid for more than one patient or accessing the bag with a syringe that has already been used to flush a patient's IV or catheter.
- Accessing a shared medical vial with a syringe that has already been used to administer medication.
- Using the same syringe to administer medication to more than one patient, even if the needle was changed.

The examples above may seem outlandish; however, in some facilities this is commonplace and they run a high risk using multi-dose medication vials and multiuse saline bags. Many others admit to using syringes more than once.

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HIPAA Preempts Georgia Law

In November 2008, the Georgia Supreme Court in *Moreland v. Austin* overturned the Georgia Court of Appeals decision in this case and ruled that the Health Insurance Portability and Accountability Act ("HIPAA") prohibits defense attorneys in a medical liability action from having ex-parte communications or informal interviews with treating physicians who are not defendants in the lawsuit. Previously, lawyers for physicians who were sued for medical liability could informally interview other treating physicians who were not parties to the lawsuit. Such communications are now allowed only if the patient is given prior notice and an opportunity to object to such interviews. This notice may be in the form of a subpoena, a protective order or with the patient's prior written consent or authorization.

The Court stated that it was not concerned with the disclosure of the plaintiff's protected health information pursuant to a request for production of documents. Rather, its focus was on whether the defendant's attorney could talk to the patient's treating physicians, once the patient's records had been produced, where there was no mention of such communications in the production of documents request and thus no notice to plaintiff.

Practically speaking, since informal interviews are no longer allowed, more treating physicians who are not parties to a lawsuit may be asked to give depositions. If you have any questions about this decision or you are contacted by an attorney requesting a deposition or health information about your patients, please call the Claims Department at MAG Mutual Insurance Company at **1-800-282-4882**.

Dr. Bono Appointed to MAG Mutual's Board of Directors

Michael J. Bono, M.D., FACEP has served on MAG Mutual's North Carolina and Virginia Claims Committees and was recently appointed to serve as a member of our Company's

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In Practice. In Life.

Health Savings Accounts: Innovative solution to control costs and increase benefits

Why Evaluate HSAs? Medical practices are taking steps to address the rising cost of health insurance. Health Savings Accounts (HSAs) offer your practice a tool to control costs and offer your employees a long term tax benefit for their lifetime healthcare needs.

What is an HSA? HSAs are tax-advantaged medical savings accounts for people who are enrolled in a lower premium, High Deductible Health Plan (HDHP). Unlike Flex Spending Accounts, an HSA account holder keeps the unused dollars left in the account to grow tax-free earnings.

Who Benefits? Employers and employees save money on lower cost HDHP insurance while employees gain ownership and control of their HSA dollars.

How to get started? Interested in evaluating or learning more about HSAs? Please contact Mr. Carroll Curry at **1-866-261-2497** or at ccurry@magmutual.com.

MAG Mutual Policyholder to Assume National Post

Joseph W. Stubbs, MD, FACP, an internist practicing in Albany, Ga., will become President of the American College of Physicians this April at the ACP Annual Meeting in Philadelphia. He was elected President-Elect last spring, and will be the second Georgian this decade to assume the College Presidency.●



Fortunately the CDC and OSHA offer a number of resources to improve injection safety. In addition you may want to contact your local hospital's infection control department for samples of any checklists or tools they've developed to help with staff training and compliance. Perhaps now is the time to double check your facility's procedures to ensure your patients are always afforded basic levels of protection against blood borne pathogen transmission.●

References:

Don't get hit for unsafe injection procedures HCPRO OSHA Healthcare Advisor January 20, 2009, Peggy Leubbert. Non-hospital Health Care-Associated Hepatitis B and C Virus Transmission: United States, 1998-2008 Annuals of Internal Medicine 6 January 2009 | Volume 150 Issue 1 | Pages 33-39. Centers for Disease Control and Prevention Safe Injection Practices to Prevent Transmission of Infections to Patients (2007) <http://www.cdc.gov/ncidod/dhqp/injectionSafetyPractices.html#>

Call for Nominations

The GMGMA, with MAG Mutual, sponsors a competition for the GA medical group manager selected as "Administrator of the Year." The award carries a \$2,000 educational scholarship, funded by MAG Mutual, to be used to defer expenses incurred to attend a national or state MGMA conference. Go to www.gmgma.com for more information. Submission deadline is May 15th●

(Dr. Bono appointed to Board of Directors, continued from page 1)

Board of Directors. **Dr. Roy Vandiver, Chairman**, remarked on the selection. "Mike has proven to be a great asset to MAG Mutual in the claims arena. He understands the needs and challenges of our policyholders and, that has only been strengthened through his work as a practicing physician and medical school professor – a rare combination. We look forward to working with him in the months and years ahead, and I am certain our association will be a productive one."



Dr. Bono attended the University of Virginia and obtained his medical degree from Eastern Virginia Medical School. The Board Certified Emergency Physician is affiliated with numerous hospitals in the Norfolk area and currently serves as a professor in the Department of Emergency Medicine at his alma mater, Eastern Virginia Medical School.

He serves several organizations, including the Medical Society of Virginia, the American College of Emergency Physicians and the Society for Academic Medicine.●

*Dr. Bono's appointment replaces Dr. Charles Nicholson, who resigned from the Board December, 2008.

**Physicians! Please send in your photos for the '08 Annual Report.
Go to www.MAGMutual.com for submission information.**



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