

Risk Management & Patient Safety Dept. Tips

Hep C Outbreak Traced to Injection Practices

In the January 2010 issue of Outpatient Surgery Magazine it was reported that as many as 63,000 patients may have been exposed to Hepatitis C in Nevada due to unsafe injection practices by anesthesia personnel. Nine infections were linked to two endoscopy centers in Southern Nevada, with another 106 possibly linked⁽¹⁾.

Officials from the Southern Nevada Health District and the CDC released a 261-page final report revealing that some staff had been reusing syringes to access vials, and the same (multi-dose) vials were used on multiple patients. They ruled out endoscopes and bite blocks as potential sources of infection⁽²⁾.

This significant outcome prompts all who direct services at healthcare facilities to re-examine and enforce infection control practices on an ongoing basis. At a minimum, written policies and procedures should address:

- **Multi-dose Vials.** A process for the use of multi-use vials to minimize cross-contamination. Include a clear policy to access, utilize and discard them.
- **Syringes and Needles.** Syringes and needles are single-use only.
- **Laryngeal Airways.** There are specific guidelines for the disposal of the multi-use laryngeal airways. Make sure the staff responsible for sterilization is monitoring usage and discarding these per manufacture and facility policies.
- **Medication Storage.** Review medication storage and handling, including documentation of expiration dates.
- **IV starts/administration.** Conduct periodic reviews of processes and techniques for starting and managing intravenous access.

(Continued on page 2)

Legal Brief


What Does “HITECH” Mean for Us?

There has been a lot of conversation recently about the pending—but ultimately inevitable—changes to the Health Insurance Portability and Accountability Act (HIPAA). In particular, the business associates of physicians want to know the potential implications this new branch of HIPAA may have on them.

Let's start by clarifying what it is. The HITECH Act, which stands for Health Information Technology for Economic and Clinical Health Act, is the economic stimulus bill which will make businesses, as opposed to just physicians and other healthcare providers, directly responsible for HIPAA requirements. As a result, businesses will be susceptible to enforcement actions and similar penalties – just like healthcare providers.

Some of the new rules from HITECH include but are not limited to reporting the breach of private health information (PHI) to the covered entity and if the breach affects more than 500 people it has to be reported to media outlets. Penalties for one violation range from \$100 to \$50,000 and these penalties may be shared with the harmed person; hence there is an incentive for persons to report violations.

The “minimum necessary” for providing PHI will be determined in August of this year, however, these new regulations may cause limitations on information that can be exchanged for the benefit of others.

If you would like to read more about the new regulations, effective dates and also receive contact information on this topic, please visit the American Medical Association's website at: <http://www.ama-assn.org/ama1/pub/upload/mm/368/hipaa-guidance.pdf> 

In Practice. In Life.

Roth IRA Conversion— Opportunity for Higher Wage Earners

Beginning this year, anyone - regardless of income level, can convert a traditional IRA into a Roth IRA. For higher wage earners, this may be your best opportunity to move all or some of your retirement money to an IRA that will let you make retirement withdrawals not subject to federal income tax.

There are income tax consequences to making the conversion, so you should consult with a financial expert to find out if a conversion makes sense for you. Another plus for those who do elect to convert this year, is an option to defer and spread the taxes from the conversion over tax years 2011 and 2012.

If you are interested in learning more about your options, please call Mr. Carroll Curry, MAG Mutual Financial Services, LLC at **1-800-300-7983** or email him at ccurry@magmutual.com. He will arrange a free consultation with one of our alliance partner retirement planning experts. You may also learn more about Roth IRA Conversion by visiting our website at www.magmutual.com/roth.

AMA Web Site Helps Physicians Volunteer in Haiti

The new AMA website easily coordinates the deployment of physicians wishing to volunteer with federal and private sector response organizations. Go to www.MAGMutual.com and look for Policyholder News or go to www.ama-assn.org/go/haiti-volunteer for more information.

What You Read in 2009

What articles from MAG Mutual's website captured the most attention from your colleagues last year? Here's a look at the top five read articles on www.MAGMutual.com:

- Coumadin Safety
- 2008 Annual Report
- Correcting Errors in the Electronic Medical Record
- Pareto Diagram
- Patient Non-Compliance—A Powerful Legal Defense

Look to our website for updates, news and educational information critical to your practice. ☑

(Hep C Outbreak Traced to Injection Practices, continued from page 1)

- **Sterilization Processes.** Review policies and procedures periodically, including required documentation. Know how to respond in the event of a sterilization "failure" to minimize potential exposure outcomes.
- **Staff Competency.** A written quiz that requires an understanding of the facility's exposure policies is a good way to assess learning needs and to document staff competency.
- **Follow Infection Control Guidelines** published by specialty, the Association of Practitioners of Infection Control, the CDC, and manufacturers' all have recommendations.

Our Risk Management & Patient Safety department addresses many of these issues through our online resource: Education for Patient Safety-Learning Modules for Medical Office Staff. Each module contains valuable information and ends with a quiz; which upon completion, can be scored and reviewed. Go to [www.MAGMutual.com/Risk Management](http://www.MAGMutual.com/RiskManagement) and click on Education. ☑

(1) outpatientsurgery.net; Outpatient Surgery Magazine, January 2010

(2) <http://www.southernnevadahealthdistrict.org>; Outbreak of Hepatitis C at Outpatient Surgical Centers, Public Health Investigation Report, December 2009, Southern Nevada Health District, Outbreak Investigation team, Las Vegas, NV.

Risk Management Reminder:

The medical record identifies the patient, supports the diagnosis, justifies the treatment and documents the results of treatment. We suggest that all entries in the medical record include the date and time of the exam or contact. This is for your protection.

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