

Risk Management & Patient Safety Dept. Tips

Timing of Record Entries - The New Documentation Trap

Risk managers seek to educate and reinforce the need for timed entries in the medical record to help document sequence and timeliness of care. Often times, Emergency Medical Treatment and Active Labor Act (EMTALA) and other compliance issues, hinge on the timing of various entries; however, hospitals and providers who have not converted to electronic medical records have very few timed entries.

According to the Centers for Medicare and Medicaid Services (CMS), "the timing of medical record entries is crucial for patient safety and quality of care. Timing applies to all medical record entries, not just to the authentication of verbal orders. This would include orders, progress notes, procedure notes, patient assessments, etc. The timing and dating of entries establishes a baseline and timeline for future actions or assessments. Patient medical record entries must be legible, complete, dated, timed and authenticated in written or electronic form."

Stephen A. Frew, JD, of MedLaw.com, predicts that the first applications of this rule are likely to be encountered in EMTALA investigations in the "Dedicated Emergency Departments" of a hospital—typically ED, OB, Psych, Urgent Care, etc. CMS has always focused very closely on timing, and the lack of timed entries will now be a potential STANDARDS LEVEL violation for medical records, which may also expand into further EMTALA citations.

On the medical liability side, ambiguities in treatment records caused by lack of timed entries may be substantiation for the plaintiff's attack on the record's accuracy. Chronicity becomes very important in reconstructing how and when events occurred, and to help defend against attempts to prove that a critical window in time for patient evaluation or treatment was missed.

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\$12.5 Million Policyholder Dividend Announced

We're pleased to announce that MAG Mutual's senior management team recommended, and your physician-led Board of Directors approved, a dividend distribution to eligible physician-policyholders - *for the fourth year in a row, and now 12 of the last 16 years*. Few medical liability insurers in the nation can match this record, proving once again what it means to be mutual – with MAG Mutual.

Beginning June 1, 2010, \$12.5 million (second largest in company history), will be returned to eligible MAG Mutual Physician and Surgeon Professional Liability Insurance policyholders of record as of the close of business April 1, 2010. This means MAG Mutual's policyholders will receive **\$45 million** in dividends from June 2007 through May 2011.

Your dividend will be based on the number of years you've been insured with MAG Mutual and the premium amount paid. Beginning with policies renewing on June 1, 2010, we will apply the total dividend amount as a credit on the Declarations Page of each renewal policy. For eligible policyholders who retire or do not renew their policy, the dividend will be applied to any outstanding balance or paid by check.

Your Board of Directors and all of MAG Mutual's employees thank you for your loyalty and trust. If you have any questions, please call **1-800-282-4882**. ☎

760 Wins and Counting... We Don't Back Down

"...It was an unfortunate situation, but was made more tolerable by your proactive and professional handling of the case"...your collaboration exemplifies the benefits of a team approach. While I hope not to need your services again, it was a pleasure working with you and I wish you all the best."

- A MAG Mutual Insured Physician

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In Practice. In Life.

Improved Medical Office Package Offers More Protection

We've made some major changes to our Medical Office Package that expands your protection for your practice's medical equipment and income:

You're Office is Covered!:

- Expensive medical equipment (MRI, CT, etc.) breaks
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Our Medical Office Package is just one of several practice insurance coverages available through MAG Mutual Insurance Agency, LLC. All are offered to help physicians get the protection they need from one convenient, trusted source.

For more information about our the enhancements and our complete line of practice insurance coverages, please call **Chip Goen** at **1-800-294-1735** for more information or visit www.MAGMutual.com/insurance. ☑

Where We'll Be:

June 8 - Huntsville, AL

Huntsville Medical Group Management Association

June 13-17 - Sandestin, FL

Alabama, Arkansas, Kentucky and Tennessee
College of Emergency Physicians

July 8 - Richmond, VA

Richmond Medical Group Management Association

This is just a sample of the meetings our staff will attend this month. For more, go to

www.MAGMutual.com and click on *Meet a MAG Mutual Representative*. ☑

(760 Wins and Counting... We Don't Back Down, continued from page 1)

When recently polled on MAG Mutual's defense of physicians, one quote stood out referring to how we handle the defense of our policyholders. The quote paraphrased Twain's famous quote about the size of the fight in the dog, and went on to describe their relief and confidence after working with our Claims Department.

With so much at stake, we will never settle a case to just make it go away, Chairman of the Board, **Dr. Roy Vandiver** explains why MAG Mutual is so rigorous in defending policyholders. "We do everything possible to defend our policyholders to the end. These are not only reputations and careers we're defending, but they're also our friends and neighbors – that drives every decision we make regarding our policyholders."

With that philosophy, a jury recently delivered MAG Mutual's 760th defense victory, bringing our win rate to four out of every five cases taken to verdict since the company began.

Matt Mitcham, Sr. Vice President of Claims explains further. "We really are prepared. As one of the few companies providing local, superior claims management and legal defense, our process is one that really, seriously, puts the best interests of our insureds at the forefront of our decision-making."

Since the early 80's, when the first Physician Claims Committee met to discuss the first claims, through today, the legacy of aggressive claims management and smart defense of physicians continues. For more, go to www.MAGMutual.com and click on **Our Expert Defense** under the **At Your Service** tab. ☑

(Timing of Record Entries - The New Documentation Trap, continued from page 1)

Risk Management Recommendations:

- (1) If time/dating of notes is not part of your present charting routine, strongly consider immediately time/dating all office and facility progress notes.
- (2) An immediate policy and procedure review should be launched to assess your facility's exposure. In correlation, ongoing medical records audits, policy changes, physician and staff education, and intense quality auditing will be required in most facilities. ☑

Reference: Revised Appendix A, "Interpretive Guidelines for Hospitals" A-0450 §482.24(c)(1) (Rev.47, Issued: 06-05-09, Effective/Implementation: 06-05-09).

Be Sure To Vote! Your Annual Meeting Proxy and 2009 Annual Report Mails Late May!



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