


Georgia Supreme Court Strikes Continuous Treatment Doctrine

The Georgia Supreme Court recently reversed a 2000 Georgia Court of Appeals ruling that had given patients additional time to sue physicians for certain misdiagnosis cases. In *Williams v. Young*, the Court of Appeals had adopted for the first time in Georgia the “continuous treatment” doctrine for determining when to start the statute of limitations in a misdiagnosis case. Under the “continuous treatment” doctrine, if the patient’s condition requires continuous treatment or care, the two-year statute of limitations for medical malpractice usually would not begin until treatment by the physician for the condition had terminated. For many years before *Williams*, the statute of limitation in Georgia began upon the occurrence of injury or death (e.g., the misdiagnosis).

In *Williams*, the patient filed a lawsuit alleging the defendant physician misdiagnosed her condition. The physician argued the patient filed her lawsuit after the two-year statute of limitations expired, and the trial court agreed. Adopting the “continuous treatment” doctrine on appeal, the Court of Appeals ruled that the patient had filed her lawsuit before the statute of limitations expired; therefore, she could proceed with her case. In March, the Supreme Court reversed the Court of Appeals decision, holding that the “continuous treatment” doctrine would improperly extend the statute of limitations beyond what the legislature intended. With knowledge that the “continuous treatment” doctrine is not the law in Georgia, the Court of Appeals will determine when the statute of limitations began in *Williams*. The Medical Association of Georgia and the Georgia Hospital Association supported MAG Mutual Insurance Company’s successful efforts on this case. 

What Is Documentation and Why Is It Important?

Medical record documentation is required to record pertinent facts, findings and observations about an individual’s health history—including past and present illnesses, examinations, tests, treatments and outcomes. The medical record chronologically documents the care of the patient and is an important element contributing to high-quality care. The medical record facilitates:

- The ability of the physician and other healthcare professionals to evaluate and plan the patient’s immediate treatment and to monitor his/her healthcare over time

- Communication and continuity of care among physicians and other healthcare professionals involved in the patient’s care
- Accurate and timely health insurance claims review and payment
- Appropriate utilization review and quality of care evaluations
- Collection of data that may be useful for research and education


An appropriately documented medical record can reduce many of the “hassles” associated with claims processing and may serve as a legal document to verify the care provided, if necessary.


Doctors’ Day in Georgia— a Proud Tradition

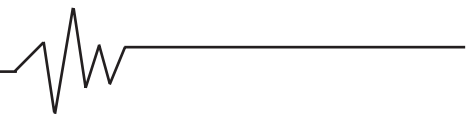
For decades, physicians across the country have been honored on March 30th, “Doctors’ Day.” Carnations for lapels, special dinners at hospitals, appreciative notes from staff and patients—all attest to the special recognition given to the medical profession. Some Atlanta hospitals gave their medical staff physicians free movie tickets, a massage and a car wash. We Georgians can take special pride in Doctors’ Day, for the tradition began in our state with the first commemoration on March 30, 1934.

The choice of March 30 was not coincidental, for this was the date, in 1842, of the legendary first use of sulphuric ether as a surgical anesthetic by Crawford W. Long, M.D., in Jefferson, Georgia. Others at the time (including a pair of New England dentists) claimed credit for this surgical breakthrough, but most medical historians now mark the advent of modern anesthesiology with Dr. Crawford Long of Georgia.

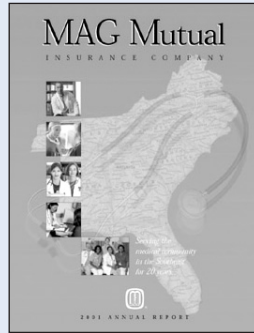
Dr. Long did not have an easy time, though, earning this recognition. In much the same way, today’s physicians sometimes find themselves wondering how suing patients, deselecting HMOs and denying payors can better the world’s most honorable profession. Let’s not forget, however, that medical heroes such as Dr. Long evoke the proud traditions of the physician’s art and science.

We will be featuring occasional “medical milestones,” such as Dr. Long’s discovery, in future issues of *The MAGnet*. 

How often have you heard reports of errors that have occurred as a result of handwritten medical documentation? Are you still handwriting your patient documentation? We want to stress the importance of accurate patient documentation. The role of the medical transcriptionist (medical language specialist) is an important element in the delivery of your medical documentation. For more information, please call MAG Mutual Healthcare Solutions, Inc. at 770-931-7700 or 888-624-6474. 



MAG Mutual Annual Report Presents Solid Financial Picture




The 2001 MAG Mutual Insurance Company Annual Report has been sent to all MAG Mutual policyholders. Take a look at your company's financial report. You'll find a solid financial picture of your physician-owned and -led carrier. That's always important because it enables us to continually meet your needs, not only with malpractice insurance but also with the many other products and services described in the report.

Physicians Beware... I.D. Theft Rampant

Medical practices and employers can be held liable in identity theft claims. By failing to protect your patients' and employees' Social Security numbers and other personal information, you open the door to potential identity theft lawsuits.

Identity theft is an area of increasing claim activity among insurers and consumers. The Federal Trade Commission receives a weekly average of 3,000 calls on identity theft, which is considered to be the fastest growing white-collar crime. As the incidence of claims increases, the frustrated victims of this crime will turn to the businesses that failed to protect their personal information for restitution.

Claims arising from identity theft are usually covered by commercial general liability insurance or if the criminal is an employee, under the crime coverage. You can limit your exposure to this type of loss by shredding documents, limiting access to personal information, conducting background checks on potential employees and acting promptly when problems do arise. For more information, please call MAG Mutual Insurance Agency at 404-842-5600 or 800-282-4882. 

Don't Let Your Computer System Get You Down

Recently, we worked with a practice that, during a software upgrade, lost four months of patient billing data. When the call first came in, we said, "No problem, we'll restore from your backup tape." However, every backup for more than a year was missing the patient data!


It seemed that the backup software only spoke in "computer-ease." Every day the backup report would read "Backup Completed Successfully." However, the program never backed up the main data files, because they were "in use." To the

non-technical user, "Backup Completed Successfully" sounded like a good thing and the cryptic file names listed meant nothing.

The solution was no longer simple. The practice had to hire temps and purchase additional computer equipment to re-enter the data. This solution cost the practice nearly \$100,000 and more than a month of time.

Practices can avoid problems like this with proper attention to details—such as closing all applications before starting the

backup. Employees don't have to be computer experts, but you should train them to report anything that appears out of the ordinary. If the contradiction of "Backup Completed Successfully" and "Files Skipped" had been reported, the problem could have been corrected in five minutes with almost no cost to the practice.

For a primer on computer systems and some tips to use in your office, be sure to visit HealthCare Consultants of America's Web site at www.hccainc.com. 

© 2002 MAG Mutual Insurance Company

A Publication of The MAG Mutual Group® of Companies. MAG Mutual Group is a Registered Service Mark of MAG Mutual Insurance Company



The **MAGnet**™

MAG Mutual Insurance Co.
P.O. Box 52979
Atlanta, GA 30355-0979

PRE SORT STD
U.S. POSTAGE
PAID
Atlanta, GA
Permit No. 3329