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Tort Reform Update

AMA President Says Last Fall's Tort Reforms Didn't Go Far Enough

"Florida is one of the two worst states in the nation for medical malpractice insurance costs," Dr. Donald Palmisano, president of the American Medical Association, stated at a recent meeting in Tampa. "And last fall's reforms didn't go far enough."

Florida lawmakers enacted several measures designed to lower doctors' malpractice insurance costs last year including a limit of \$500,000 on jury awards for noneconomic damages – pain and suffering. According to Palmisano that cap is too high. He believes a \$250,000 cap, which is what physicians and Gov. Jeb Bush want, is needed.

Meanwhile, the Florida Medical Association is lobbying for more change—a constitutional amendment that would limit lawyers' share of what a jury awards to patients. ●

Risk Management Tips

JCAHO Wrong-Site Protocol: A Standard of Care

Despite all the warnings about wrong-site, wrong-person and wrong-procedure surgery, the problem persists. According to the Institute of Medicine, more than 50,000 patients have filed lawsuits in the past five years for "wrong-site surgery." Operating on the wrong site or body part represents a potentially devastating event for all parties involved, often attracting considerable media attention and leading to malpractice lawsuits. Common factors identified in wrong-site surgery include:

- Involvement of multiple surgeons on a case
- Performance of multiple procedures during a single trip to the operating room
- Unusual time constraints and unusual anatomy or patient characteristics, such as physical deformity or morbid obesity

The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) recently approved the Universal Protocol for preventing wrong-site, wrong-procedure and wrong-person surgery, required by all accredited organizations that provide surgical services beginning July 1, 2004. Although the advice outlined in the Universal Protocol is not groundbreaking, it now carries the approval of JCAHO along with that of several other prominent organizations. Healthcare providers now have a consistent procedure to follow to achieve a higher level of care.

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The Universal Protocol draws on and expands a series of existing requirements under the 2003 and 2004 National Patient Safety Goals. It will be applicable to all operative and other invasive procedures. The principal components of this Universal Protocol include:

- Preoperative verification process
- Marking the operative site
- Taking a time out immediately before starting the procedure
- Adaptation of the requirements to non-operating room settings, including bedside procedures

The prudent physician will act quickly to implement the Universal Protocol in his/her practice and healthcare organization. For more information, please call your MAG Mutual Risk Management consultant at 407-370-3813 or 800-783-8455. ●

In the News

Insurers to receive 10.6% increase from Medicare...

President Bush recently announced that, effective March 1, Medicare payments to health maintenance organizations and other private health plans will increase by a record 10.6 percent.

Tommy G. Thompson, the secretary of health and human services, described the increased payments as “an investment in our seniors.” As a result of the increase, Medicare beneficiaries will have more options and better services since more organizations should now serve the Medicare market and the elderly.

Now is the Time to Refinance Your Home Loan

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