



FLORIDA'S SOURCE FOR IMPORTANT PHYSICIAN INFORMATION PHONE 800-783-8455 • 407-370-2247 FAX

Risk Management Tips

When you don't know all the facts...

Sometimes criticizing other treating physicians can encourage lawsuits. Frequently, the complete set of facts concerning the patient's previous treatment is unknown and criticism based on limited knowledge is irresponsible. Was the standard of care met or was there a reasonable difference in clinical judgment?

How should you proceed when you or the patient believes the former treating physician has breached the standard of care?

1. Discussion with the prior treating physician is always a good first step
2. If you agree with the prior treating physician, explain to the patient why you believe the treatment was correct or appropriate
3. If you disagree, explain to the patient how you reached your conclusion with objective, factual information. Stick to the facts without blame
4. Do not belittle any complication
5. Do not use words that might wrongly imply negligence (e.g. error, wrong, mistake, accident)

Your first priority is to reassure the patient about treatment options going forward, showing sincere interest and commitment to resolving the problem.

The determination of negligence is a legal consideration better decided in the courtroom. Patients will interpret a physician's negative, uninformed comment as an expert opinion, possibly precipitating an unwarranted lawsuit.

In all cases, whether you've talked to the patient or communicated with the former treating physician, document your conversations and your recommendations.

For assistance in managing specific situations, contact Carol Wiseheart, Risk Management Consultant, at 800-783-8455. ●

New Health Worker on the Block: Anesthesiologist Assistants

On June 17, 2004, Governor Jeb Bush signed legislation creating a new category of health worker that must be licensed to practice in Florida – the Anesthesiologist Assistant (AA). While AAs perform many of the same tasks as Certified Registered Nurse Anesthetists (CRNAs), AAs are more limited than CRNAs in their scope of practice. For example, AAs must practice under the direct supervision of an anesthesiologist and pursuant to written protocols on file with the medical board that have been signed by the AA and his or her supervising anesthesiologists. In this context, direct supervision means the on-site, personal supervision by an anesthesiologist who is present in the office, surgical suite or obstetrical suite when the procedure is being performed in that office, surgical suite or obstetrical suite and who is immediately available to provide assistance and direction to the AA while anesthesia services are being performed. An anesthesiologist may supervise only two AAs at the same time.

Most Florida AAs will be required to maintain financial responsibility (e.g., liability insurance) like other licensed health workers. AAs may become valuable members of the Florida anesthesiologist's team, but it should be noted that supervising anesthesiologists will be liable for the acts and omissions of their AAs. Development of a comprehensive and conservative written protocol should be undertaken by and between each AA and his or her supervising

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A.M. Best Reaffirms MAG Mutual Insurance Company's A- ("Excellent") Rating

MAG Mutual Insurance Company is one of only a few PIAA medical specialty providers in the nation able to reaffirm their A.M. Best Company A- ("Excellent") rating again this year.

The rating report from the A.M. Best Company represents an independent opinion from the leading provider of insurer ratings and depicts the company's financial strength and ability to meet its obligations to policyholders.

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(New...Assistants, continued from page 1)

anesthesiologist with goals of maximizing patient care and the anesthesiologist's practice availability and minimizing the AA's exposure to cases that will likely extend beyond his or her competency.

For more information on licensure and appropriate use of AAs, please contact your Risk Management Consultant, Carol Wiseheart, at 800-783-8455. ●

Insurance Coverage for Bariatric Surgery

Bariatric surgery is the fastest growing medical procedure for treatment of the morbidly obese. It is helping many patients and holds the promise of long term improved health and wellness. However, the new and emerging bariatric surgery techniques, coupled with a high-risk patient population, have created a significantly increased likelihood of adverse surgical outcomes.

These adverse outcome uncertainties and the growth in both the number of surgeons who perform the surgery and the patients who undergo the operation present MAG Mutual with a serious dilemma of escalating proportions. *How do we fund the higher claims cost for those few MAG Mutual insureds who perform bariatric surgery without impacting the rates of the majority of our insureds who do not?*

Your Board of Directors recently determined that surgeons who perform bariatric surgery for the treatment of obesity do not meet MAG Mutual Insurance Company's standard underwriting guidelines, but may qualify for coverage with Professional Security Insurance Company (PSIC), the wholly owned insurance subsidiary of MAG Mutual.

Surgeons who currently perform or assist in bariatric procedures and meet our new underwriting guidelines will continue to have the same basic coverages in PSIC as they have had with MAG Mutual Insurance Company. Because of the higher loss exposure inherent in bariatric surgery, however, coverage in PSIC will differ in two important aspects:

- The maximum limits of coverage available will be \$1,000,000 per claim and \$3,000,000 aggregate per year. Organizational protection will share the surgeon's limits.
- Individual premiums, while reflective of the specific characteristics of each bariatric practice, will be significantly higher than current premiums.

We will implement this change at each policy's renewal, beginning January 1, 2005. Surgeons potentially impacted will receive more detailed information on the availability of coverage.

The Board of Directors also authorized an endorsement to the MAG Mutual policy that will **specifically exclude coverage for bariatric surgical procedures for the treatment of obesity.** We will begin to add this endorsement to MAG Mutual policies at renewal, beginning on January 1, 2005.

If you have any questions or comments, please call Jay Tasker or Lisa Coppolino at 800-282-4882. ●

Need to file a claim? Call our Orlando Office at 800-783-8455.

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