



# THE MAGNET™



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FLORIDA'S SOURCE FOR IMPORTANT PHYSICIAN INFORMATION

## American Hospital Association Endorses MAG Mutual Healthcare Solutions' Medical Transcription Services

MAG Mutual Healthcare Solutions, Inc. (MMHSI) has earned the exclusive endorsement as the provider of medical transcription services from The American Hospital Association (AHA).

MMHSI was selected from several premier medical transcription companies identified and researched by the AHA. The AHA serves more than 5,000 member hospitals in the United States and had specific criteria outlined for the provider they selected.

Using the latest internet-based technologies and comprehensive system interfaces, MMHSI provides medical transcription services to physician practices, clinics and hospitals with flexible turnaround times and accuracy that exceeds industry standards.

For more information, call David Miller toll free at **888-624-6474** or visit [www.magmutual.com/hsi](http://www.magmutual.com/hsi). ●

## New HIPAA Business Associate Agreement Updated for Security Rule Compliance

MAG Mutual Insurance Company has updated its HIPAA Business Associate Agreement (BAA) to meet new HIPAA Security Rule requirements effective April 21, 2005. This updated BAA will replace the version MAG Mutual previously published in conjunction with the HIPAA Privacy Rule. There is no need for policyholders to sign and return the BAA to us, but they should keep copies with their other HIPAA compliance documents.

Medical professional liability policyholders will receive copies of the updated BAA with their next policy renewal and may download a copy at any time from MAG Mutual's website: <http://www.magmutual.com/mmic/articles/Hipaa-BAA.pdf>. ●

## Risk Management Tips

*Are you including the patient's family in the informed consent process?*

Surgeons, radiologists and others who operate or perform special procedures on patients continue to be at risk for allegations of "failure to obtain informed consent." However, MAG Mutual's risk management consultants are finding that more physicians are developing better informed consent forms and taking the time to ensure that a comprehensive informed consent process has occurred.

Clearly, the better the consent form and process, the easier it will be to show that certain complications that occurred were known risks and **not** malpractice.

Often the decision to undergo a surgical procedure is made with the spouse and other family members. For example, many bariatric surgeons will not consider a patient as a surgical candidate without guaranteed family support and participation in the program.

The inclusion of the family in the informed consent process (with patient assent) meets a number of risk reduction goals. The more we involve the patients and those close to them, the more expectations will be in line with reality. When a patient suffers a complication, the spouse or a family member are more likely to question the care given if they were not involved in the informed consent process. Therefore, our risk management consultants recommend physicians involve the patient's family in the informed consent process as appropriate, and thoroughly document what was discussed and who participated in the process. If appropriate, physicians may consider having a competent adult family member witness in writing the patient's execution of the informed consent form.

*(Continued on page 2)*

## How to Disclose Unanticipated Outcomes

Disclosure of unanticipated outcomes to patients and their families is an emerging risk management topic. With the Institute of Medicine Reports having made "medical error" a commonplace term, most patients expect to be told by caregivers when an error or unanticipated outcome has occurred.

The recently enacted Georgia tort reform law (SB 3) includes a provision intended by the General Assembly to foster improved communication between physicians (and other healthcare providers) and their patients following unanticipated medical outcomes. SB 3 provides that statements, affirmations, gestures, activities or conduct expressing benevolence, regret, sympathy, apology, commiseration, condolence, compassion, mistake, error or a general sense of benevolence made to a patient following an unanticipated outcome of medical care, are no longer admissible as evidence in any civil action brought by the patient allegedly experiencing the unanticipated outcome. However, **a physician's admission of fault or liability is not covered by this new law, and thus, may still be introduced as evidence in the action.**

For years, MAG Mutual Insurance Company has encouraged disclosure of unanticipated outcomes and appropriate sincere apology as a risk management principle. The key is to carefully consider what should be said and plan in advance how to say it. MAG Mutual's Risk Management consultants are available to answer your questions on proper disclosure of unanticipated outcomes. For more information, please contact Carol Wiseheart at **800-783-8455** or [www.magmutual.com/risk](http://www.magmutual.com/risk). ●

*(Risk Management Tips, continued from page 1)*

Overall there is a movement toward a better informed consent process in this country. Informed consent plays an important role in helping both the patient and family become active participants in the patient's care and decision-making process, while helping maintain realistic outcome expectations. For more information on informed consent, call Carol Wiseheart at **800-783-8455** or go to [www.magmutual.com/risk](http://www.magmutual.com/risk). ●

## DID YOU KNOW?

MAG Mutual can be your one trusted source for your medical office insurance needs. That's right – MAG Mutual Insurance Agency offers coverage for your office that can supplement your medical professional liability policy with protection for your office. Plus, you can save time and money with our convenient package of these coverages, all especially designed for the physician:

- Businessowners Policy
- Workers' Compensation
- Commercial Umbrella

In addition, we've made some enhancements to your Businessowners Policy, effective March 1, 2005, that we think add significant coverage and value for your practice—at no additional premium. The changes will become effective on your renewal date.

MAG Mutual medical professional liability policyholders receive an additional 5 percent Businessowners Policy discount. If you have any questions or need more information, please call Chip Goen at **800-294-1735** for more information.

## Looking for our latest tips, guidelines and news?

Now you can join several hundred of your peers who are receiving free email notification of the most current MAG Mutual electronic newsletters. Just go to our Website—[www.magmutual.com](http://www.magmutual.com)—click on the "Sign Me Up" button on the bottom left-hand side and answer the three quick questions. The following month you will receive notice that the latest MAGnet and Healthcare Risk Manager publications are posted on our site.

# MAG Mutual Insurance Company rated A- Excellent by A.M. Best



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