

The Importance of Early Reporting and Early Resolution

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Deciding when to report a bad outcome is a difficult decision for physicians and healthcare providers. On the one hand, providers are obligated to report outcomes that could lead to claims to their malpractice insurance provider; on the other, reporting every unanticipated outcome could quickly become burdensome.

All states have different requirements for reporting certain incidents. In addition, The Joint Commission adopted a formal [Sentinel Event Policy](#) [1] in 1996. Sentinel events are patient safety events that result in death, permanent harm, severe temporary harm or require an intervention to sustain life.

Calling your insurance provider immediately is critical after a bad outcome occurs, when you're asking yourself, "Should I contact the patient and apologize or should I contact my insurance company?" It's important to begin that discussion with your insurance carrier right away and take action within the first few days, or even hours, after an injury has occurred.[1]

Your medical liability provider may also have programs to assist with the patient-provider relationship once an adverse outcome has occurred. The Preserve Program is MagMutual's early intervention, patient-centered approach for addressing unexpected medical outcomes and preserving the patient-physician relationship.

In some cases, from a patient experience perspective, the patient/family is expecting an explanation and/or an apology.

That's something that your insurance carrier can help with, especially for early resolution or to take advantage of the Preserve Program before the patient/family gets frustrated and goes to an attorney.^[2]

Honest and open communication and a commitment to correction are at the core of patients' expectations following an unexpected medical outcome. MagMutual has learned that early and honest interaction with patients who experience unexpected medical outcomes or complications relieves much of the anger and frustration that result in claims and suits.

^[1] HIPAA permits a physician to disclose patient information to the physician's medical professional liability insurer for the purpose of establishing a defense against the patient's professional liability claim without patient authorization.

^[2] Please call your account services representative if you have any questions regarding when to contact a claims representative. Prompt reporting of claims under MagMutual's professional liability policy has no adverse effect on an insured physician's insurability, premiums or loss excellence appreciation discount.

The information provided in this resource does not constitute legal, medical or any other professional advice, nor does it establish a standard of care. This resource has been created as an aid to you in your practice. The ultimate decision on how to use the information provided rests solely with you, the PolicyOwner.

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[1] https://www.jointcommission.org/sentinel_event_policy_and_procedures/