PROASSURANCE
Treated Fairly

Comment

PROMOTING PATIENT SAFETY • PROVIDING SOUND ADVICE • PLEDGING TREATED FAIRLY

Verdicts Reflect Emerging Trend in Medical Malpractice

This edition of the Nevada *Comment* focuses on several recent large verdicts against healthcare professionals that reflect a national trend toward increased severity in medical professional liability cases. Here are a few examples:

In January 2019, a Las Vegas jury rendered a verdict against a local hospital for nearly $43 million dollars. The case involved a female patient who presented to the facility with severe pain attributable to a sickle cell anemia crisis. The suit alleged that physicians and staff negligently administered Toradol® to the patient "in excess of the manufacturer's recommended dose." The 29-year-old patient suffered five cardiac arrests and died. The jury ordered the facility to pay more than $10.5 million in compensatory damages and $32.4 million in punitive damages to the surviving family members.

Source: https://www.reviewjournal.com/local/local-las-vegas/las-vegas-hospital-ordered-to-pay-nearly-43m-to-family-of-dead-woman-1582367/ accessed November 12, 2019.

One of the largest verdicts ever awarded in a medical malpractice case involves an allegation of brain injury during delivery. In July 2019, a Baltimore jury returned a verdict of $229.6 million against Johns Hopkins Bayview Medical Center after a two-week trial. The suit alleged the hospital physicians gave the 16-year-old pregnant patient inaccurate predictions about possible outcomes for her pregnancy after she began experiencing preeclampsia. The judge later reduced the verdict to $205 million due to state law caps. The hospital is appealing the verdict.

Source: https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-hopkins-medical-malpractice-record-20190702-story.html accessed November 12, 2019.

A case, involving allegations of brain damage to a newborn, resulted in an award of $73.2 million. In August 2018, a Lea County, New Mexico, jury returned a verdict against the patient's healthcare providers. The verdict included an award of $19.8 million for the child, $13.3 million for the mother, and a punitive damage award of $40 million.

Source: https://www.santafenewmexican.com/news/local_news/santa-fe-jury-awards-m-in-delivery-that-left-infant/article_90275cd1-7a37-5b46-b232-20c0989668a5.html accessed November 12, 2019.

Large Verdicts Affect Liability Premiums

Claims severity, including defense costs, is growing nationally, even though the number of claims may be flat, according to a report released by Aon PLC and the American Society for Health Care Risk Management. Verdicts of $5 million or higher, the report attests, are becoming larger and more frequent, affecting medical professional liability insurer expenses and insureds' premiums. The report analyzes claims data from 127 healthcare systems in the United States.

Source: https://www.businessinsurance.com/article/20191015/NEWS06/912331165/Large-medical-malpractice-verdicts-drive-hospital-liability-up accessed November 12, 2019.

Two Minutes: What's the Risk? **Videos**

Your ability to address risk effectively is crucial to a successful professional liability insurance program. Our Risk Resource department provides innovative loss solutions, including our video series.

Topics include:

- Professionalism in Medical Examinations
- Universal Protocol Time Outs
- Charging for Medical Records
- Alert Fatigue
- Disruptive Behavior in Healthcare
- And more.

For a wealth of brief videos and other risk resource materials, visitProAssurance.com/RiskManagement.

New Online Seminars

Telemedicine: Legal and Practical Considerations

Advances in medical technology can promote good patient care, but navigating laws and rules when delivering care via telemedicine, particularly across state lines, can be daunting. When designing a telemedicine system, physicians and other healthcare professionals need to evaluate their business objectives, healthcare regulatory requirements, and adherence to the standard of care. This session discusses important considerations to take into account when implementing a telemedicine program.

Human Trafficking and the Healthcare Professional

A 2014 Loyola University Chicago School of Law study found that 88 percent of sex trafficking survivors reported healthcare system contact while they were being trafficked. This program focuses on the intersection of healthcare and human trafficking.

Dr. Jeffrey Barrows presents the frequency of these encounters in healthcare settings and indicators that can help providers identify trafficked patients. He defines human trafficking, its scope, subtypes, and predisposing factors. The presentation concludes with a discussion of how a healthcare organization can prepare to respond when a trafficked person enters their facility.

Burnout Proof: Leading the Creative Destruction of Physician Burnout

A 2016 Mayo Clinic survey found nearly 55 percent of physician respondents experienced burnout symptoms. Physicians are also at higher risk for suicide than other professionals. Dr. Dike Drummond reviews the symptoms, causes, effects, and pathophysiology of physician burnout so participants can better recognize and prevent burnout in themselves and others. He challenges three burnout myths which keep physicians from practicing and modeling self-care.

The presentation also outlines a four-part leadership strategy for organization-wide burnout prevention. The seminar concludes with steps for a personal action plan physicians and healthcare providers can use to build a balanced life and ideal practice in these times of rapid change.

To view these new programs as well as other online offerings, sign in to the secure portal at ProAssurance.com and choose "Seminars" and "Physician Online Seminars."

PROASSURANCE.
Treated Fairly

ProAssurance.com | 800-282-6242

If you cannot view this, please view as a webpage