University of Florida
J. Hillis Miller Health Center
Self-Insurance Program
Jacksonville Campus

Claims / Litigation
Risk Management / Loss Prevention

7th Floor, Tower I
904-244-9070
UF Self-Insurance Program/Jacksonville (SIP)

- Who are we?
- What do we do?
- What are your responsibilities?
Who Are We?

- A self-insurance program created by the Board of Governors of the State of Florida pursuant to s. 1004.24, Florida Statutes.
- W. Martin Smith, SIP Director
  - Kim Yozgat, Senior Director, Claims & Litigation
  - Jack Osgard, Senior Director, Insurance & Risk Management/Loss Prevention
Who Are We?

**Claims Staff**
- **Daniel J. D’Alesio Jr. Esq.**
  - Associate Director
- **Claims Coordinators**
  - Casey Gentzkow, Esq
  - Amy P. Meyer, Esq
  - Charles Portero, CPCU, AIC
  - D. Orvin Jenkins, MD
- **Support Services**
  - Brandy Wilson
  - Cordillera T. Hawkins

**Risk Management & Loss Prevention Staff**
- **Larke Nunn, CPHRM**
  - Associate Director
- **RMLP Specialist**
  - Paul Acedera, LHRM
- **SJMC and UF Risk Management Designees**
  - Joni Lourcey, RN, CPHQ
  - Phillip Mortensen, RN
  - Cherry Schneider, RN
  - Sandy McDonald, RN, BSN
  - Annette Harrison-Jerido, RN
  - Gail Gullison, RN
What Do We Do?

- **Liability Protection**
  - Provides comprehensive liability protection, including professional liability (PL), for the UF Board of Trustees and the faculty, residents, other employees, agents and students of the UF Health Science Center. Provides general liability (GL) coverage for persons injured other than by medical negligence while on UF Health Science Center property.
  - Provides PL coverage to the hospitals in the Shands HealthCare System. Provides GL coverage for any patient injured while on Shands property other than by medical negligence.

- **Regulatory Reporting**
  - Agency for HealthCare Administration (AHCA)
  - Center for Medicare/Medicaid Services (CMS)
  - Department of Health – for licensure Boards (DOH)
  - Safe Medical Devices Act (SMDA)

- **Risk Management/Loss Prevention/Risk Initiatives and Education**
Protection

- UF Employees
  - Statutory immunity
  - $100,000- 200,000 per claim/incident; claims bill
  - $200,000 - $300,000 increased limits for all claims arising on or after October 1, 2011

- SJMC
  - Unlimited economic damages
  - $750,000 - $1,500,000 non-economic damages
Approach

- Early notice – only way we know
- Early investigation – memory dims; people leave
- Establish adequate insurance reserves – audited continuously
- Risk management analysis – performance improvement initiatives; educational opportunities
- Assistance in Disclosure process
What we need to know about …

What you need to tell us …
Serious Incidents Must be Reported

Examples

1. Total or partial loss of a limb, or loss of the use of a limb;

2. Sensory organ or reproductive organ impairment;

3. Any injury to a part of the anatomy not undergoing treatment;

4. Disability or disfigurement;

5. Any assertion by a patient or patient’s family that he/she has been medically injured;
6. Misdiagnosis of a patient’s condition resulting in mortality or increased morbidity;

7. Injury/death to either child or mother during delivery;

8. Any birth of a term baby that is stillborn or expires shortly after delivery;

9. Any assertion by the patient/family that no consent for treatment (medical/surgical) was given;

10. Any assertion or evidence that the patient was sexually abused, raped, or otherwise sexually assaulted

11. Any other unexpected, adverse condition or outcome that you feel could result in a claim.
Failure to Report

- Insurance repercussions
- AHCA reporting hospital licensure cites/corrective action
- JCAHO regulatory compliance issues/loss of accreditation
- AHCA reporting office based practice cites/corrective action
Definition: Sentinel Event

“An unexpected occurrence involving death or serious physical or psychological injury, or the risk thereof. Serious injury specifically includes loss of limb or function. The phrase “or the risk thereof” includes any process variation for which a recurrence would carry a significant chance of a serious adverse outcome. Such events are called sentinel because they signal the need for immediate investigation and response.”

Joint Commission on Accreditation of Healthcare Organizations
Definition: Adverse Event

- Occurrence over which health care providers could exercise control and,
- Is associated in whole or in part with an intervention, rather than with the condition for which the intervention occurred (patient’s underlying medical problems) and results in injury.
AHCA Reporting

A.K.A. CODE 15 and Annual Report

“A Florida Statutory Obligation”
“Code 15” Reportable Events

- Patient death
- Patient brain or spinal damage
- Surgical procedure on wrong patient
- Performance of wrong surgical procedure
- Performance of wrong site surgical procedure
“Code 15” Reportable Events

- Medically unnecessary surgical procedures unrelated to patient’s diagnoses/underlying medical condition
- Surgical repair of damage from a planned surgical procedure where complication was not documented as a risk through the informed consent process
- Return to surgery to remove foreign object
Annual Reportable Events

- All previously reported “Code 15” events
- Permanent disfigurement
- Fracture or dislocation or bones and/or joints
- Condition that requires transfer of patient, within or outside facility, to receive higher level of care

- Condition requiring specialized medical or surgical treatment (excludes emergencies for which patient could not participate in informed consent process)
- Limitation of neurological, physical or sensory function which continues after discharge
What To Do When You Observe Or Are Involved in a Serious Incident

1. Ensure Patient Safety
2. Notify the Attending
3. Call SIP – 244-9070. We have 24/7 Coverage
4. Notify Your Program Director
Repercussions of ACHA Reporting

FS 395.0197
FS 456.072
FS 395.0056
We provide assistance for licensure investigations.
Disclosure - Patients

- Patients have always wanted to know the truth.
- Patients want to know when an error has occurred.
- The more severe the error/injury, the more they want to know.
§395.1051 Florida Statutes: Hospital Duty to Notify Patients

- Must notify patient or proxy:
  - About adverse events.
  - Resulting in serious harm.
  - In person.
  - Notification must be by appropriately trained person, designated by facility.

- Disclosure shall not constitute acknowledgement or admission of liability, nor can it be introduced as evidence.
§456.0575 Florida Statutes: Licensed Practitioner Duty to Notify Patients

- Must notify patient or proxy
  - About adverse events.
  - Resulting in serious harm.
  - *In person*.
  - Notification must be by licensed health care practitioner.

- Disclosure shall not constitute acknowledgement or admission of liability nor can it be introduced as evidence.
Shands Policies
CP1.43 and MS-03-006

- Disclosure by “appropriately trained physician”
  - Attending who has received approved training

- Disclosure include
  - Unanticipated outcomes of care resulting in an adverse event
    - JCAHO sentinel events
    - AHCA reportable events (Code 15, Annual Report)

- ATTENDING physician must document in chart that the unanticipated outcome of care/adverse event was explained to patient and/or patient’s family as appropriate.
Disclosure - Residents

- **Wu 1993**
  - 114 serious mistakes.
  - 90% serious adverse outcome.
  - 31% mortality.
  - 54% told their attending.
  - 24% told the patient/family.

- **Green 2000**
  - 5% of IM residents said they’d lie to cover up a mistake.

**Bottom line – ALWAYS TELL THE ATTENDING!**
Please contact our office if you receive ...

- Notice of Intent
- Summons & Complaint
- Letter or phone call from AHCA or DOH
- Letter or phone call from an attorney
Risk Management Educational Opportunities

- Custom-made “live” CME lectures by one of our risk managers or a member of our Speakers’ Bureau
- Helpful printed resources
- Online CME courses
  - www.sip.ufl.edu
- Call our office for information
Risk Management & Loss Prevention begins with you …

“Hand-out” brochures on many subjects including but not limited to

- Liability Protection / Coverage, Incident Reporting
- Informed Consent, Capacity to Consent
- Disclosure, Documentation
- EMTALA, Baker Act
- Wrong Site Surgery, Retained Foreign Bodies
Call us; talk to us

We want to help!
244-9070