



# Keystone Connection



Keystone Board members Bruce Oetter, Jerry Kennett, MD, Joel Hassien, MD and Marsha Mills at the August meeting of the Directors.

## Keystone Mutual Remains Missouri's Fastest Growing Med-Mal Company

Keystone Mutual is adding policyholders at record levels, maintaining the company's position as the fastest growing med-mal company in Missouri, according to Tony Lyons, Keystone Mutual's vice president of sales.

"Specialists, internists and physicians across the board are discovering that Keystone Mutual provides better insurance for better doctors," Lyons said. He cited two factors for Keystone's steady growth:

1. Missouri physicians are tired of supporting med-mal executives who live large on inflated premiums but leave their policyholders exposed to risk and thrown-in with high-risk specialties that jack up rates.
2. Keystone has great rates and outstanding benefits, such as
  - **Consent to Settle Plus**® with extended benefit option
  - **Free**, unlimited legal advice on risk management
  - **Choice** of defense counsel
  - **Automatic** coverage for licensing board investigations

"The more Missouri physicians know about Keystone Mutual, the better we look," Lyons said.

## PREMIUM RATE REDUCTION!

### 15% RATE DROP FOR DERMATOLOGISTS, OPHTHALMOLOGISTS

Based on lower than anticipated claim experience, Keystone Mutual is proud to announce a 15 percent reduction in rates for professional liability insurance for dermatologists and ophthalmologists, effective immediately.

"By closely monitoring claims experience, we confirmed our suspicion that dermatologists and ophthalmologists seldom have claims," said James Bowlin, Keystone's chairman and CEO. "That's why we lowered the rates for those specialties."

"Keystone is able to lower rates because we don't have executives who grow fat on physician premiums," Bowlin said. "When there are savings, we pass them on to our policyholders."

Bowlin said that the review of rates for specialists is conducted every quarter, not once a year, like ordinary malpractice companies.

# Q&A

## How To Successfully Manage An Adverse Event

### ***What is the primary tool of risk management?***

The physician's best friend in matters of risk management is the process of informed consent.

Physicians should *never* guarantee a particular treatment result. It is impossible for the doctor to know with certainty the likely treatment outcome because so many of the relevant variables are beyond the physicians' control: Will the patient take all medications as directed? Is there an intervening cause, an unrelated illness or injury that negatively impacts treatment?

### ***What is the best way to spell out informed consent?***

This should be explained orally and acknowledged by the patient in writing. Disclosures at the outset of treatment often make the difference between whether the physician is held liable for the poor treatment result.

### ***Does a disappointing result mean malpractice?***

Has negligence occurred? A poor result does not necessarily mean that negligence was involved. However, if malpractice has occurred in any respect, then the manner in which the matter should be handled will differ greatly. If malpractice was involved, then the physician's professional liability insurer should be immediately notified.

### ***When do I tell the patient there is a problem?***

Once the doctor is aware of a problem, the physician is legally and ethically bound to advise the patient. No discussions with the patient should occur without prior approval of the doctor's malpractice insurer, if negligence was involved in any respect.

Unless there is good reason to delay (such as to obtain additional facts as to alternative treatment options, records, etc.), then it is best to advise the patient immediately. Prompt notice is an expression of good will and demonstrates that the physician has nothing to hide.

### ***How should the news be delivered to the patient?***

Meeting the patient face-to-face in the doctor's office is the best approach. Patients will respect the physician's honesty. However, there is no need to discuss collateral and irrelevant issues. Deliver the relevant and basic information in a caring manner.

Pay attention to the demeanor of the patient during the discussion and record your notes of the meeting in the patient's chart.

### ***Should refunds be offered?***

In bad outcome situations, patients often ask for a refund of fees for the services or other remuneration. This may occur without regard to whether any act of negligence has occurred. If no malpractice is involved, then the question of whether to refund or pay any monies to the patient is essentially a business decision. The same goes for the amount that is paid.

### ***Should I settle with an unhappy patient?***

If malpractice is involved, then it is generally far better to settle outside of the legal system (but not without the knowledge and consent of the doctor's professional liability carrier). The same may also apply in those instances where no act of negligence occurred, but the patient is prepared to fight regardless.

It is imperative that the physician obtain a full and complete release from the patient *before* making any such payment. This document will contain several items, including an acknowledgement on the part of the patient that the physician is not admitting any fault or liability by virtue of making the payment. Your legal counsel should be involved.

### ***Questions?***

Please call the experienced attorneys at Keystone Mutual for advice on how to proceed should you be involved in an adverse event.