

# provisions

**HEALTHCARE LIABILITY  
RISK MANAGEMENT**

**ASSESSMENT**

**EDUCATION**

**CONSULTATION**

**PUBLICATION**

## A Word from Mike Rosenthal

### Help Your Client Avoid That Claim

#### (They'll Be Happy You Did)

ProAssurance has been defending medical professional liability claims for over four decades. All of that experience has created a few distinct advantages. The first is you can rest assured that, at time of claim, your clients are getting the strongest defense available. The second is that all of that experience has taught us a thing or two about what causes claims. The third is that our Risk Management team uses all of this information to help your clients, who are insured with us, avoid claims and make them more defensible if they do occur.

We can all agree that the best defense is to never require a defense; however, that is not always possible. To provide your clients with the best, you need a partner that helps them avoid claims, helps them understand how to make their actions more defensible if something does occur, and educates them on how to mitigate litigation and manage burnout stress. ProAssurance is that partner.

In this edition, you will get a brief introduction to the members of our world-class Risk Management team who are available to assist your clients with answers to specific questions or situations, perform base assessments, and consult on ways to mitigate their professional liability risks. You will learn about the options available for your clients to obtain CMEs while improving the defensibility of claims. You will find out where to get information on trends, how changes in the healthcare delivery system or regulatory environment might be affecting your clients' exposures, and about the resources we have to help lessen the personal stress that comes with litigation.

Your carrier of choice needs to be much more than an insurance policy and a phone number to call when the unfortunate occurs. Contact your representative or underwriter today to find out how much more you can expect from ProAssurance.



**Mike Rosenthal**  
Senior Vice President,  
Business Development

*"Beyond managing adversity, risk professionals are bringing solutions to strategic conversations that empower resilience and drive innovation. These compensation increases reflect the undeniable value risk professionals contribute to their organizations' success."*

**RIMS CEO Mary Roth**

**Malpractice in healthcare was the third-leading cause of death in the United States**

**20** times more than the number of people who die in drunk driving accidents annually.

*2016 Johns Hopkins Study*

**ProVisions** is ProAssurance's monthly agent magazine.

If you or your colleagues do not receive the digital version, email [AskMarketing@ProAssurance.com](mailto:AskMarketing@ProAssurance.com). Please include names and email addresses for everyone who would like to subscribe.

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 **PROASSURANCE**  
Treated Fairly



**2022 ONLINE LOSS PREVENTION SEMINAR  
for ProAssurance Physicians**

# Back to Basics

*This annual LPS program offers ProAssurance insureds opportunities to earn both CME and potential premium credit.*

**Introducing the 2022 LPS Program**

The COVID-19 pandemic has changed the practice of medicine. As we analyze the new risks that have emerged, we must adjust our protocols and procedures to keep our physicians and their patients safe while optimizing care and hopefully improving outcomes. Back to Basics gathers insights from two years of pandemic pressure and delivers actionable ideas for working safely through the uncertainty.

The program consists of two modules.

MODULE ONE

**Difficult Patient Relationships**

Rehabilitate vs. Terminate

Patient relationships that become challenging, disruptive, and, at worst, violent can pose liability risks. Patient safety and quality of care may also be negatively impacted.

Identifying factors that may contribute to challenging patient interactions, while utilizing concepts to improve communication, helps foster rehabilitation of the patient-provider relationship. These concepts also assist in determining if termination of the patient relationship is necessary.

This program provides an overview of difficult interaction scenarios and the factors that can influence behaviors, and offers strategies for de-escalation and improved patient-healthcare professional interactions when faced with these conflicts.

MODULE TWO

**Fundamentals of Follow-up**

Minimizing Diagnostic Error and Improving Patient Safety

Follow-up is a specific and key aspect of healthcare communication. Physicians have a responsibility to follow up with their patients and other healthcare providers to coordinate and maintain medically indicated care.

Problems with follow-up may contribute to diagnostic and treatment delays leading to increased risk of error and subsequent malpractice claims.

This course is designed to increase physicians' competence and performance when following up with patients and other healthcare providers to improve patient safety.

**How do insureds take the seminar?**

ProAssurance insureds may take *Back to Basics* at their convenience at ProAssurance.com. Participants simply sign in, then click Seminars, and then Physician Online Seminars to view the program. Physicians must watch the full two-hour seminar and pass the eight question posttest with a score of 70% or greater to be eligible for CME and/or premium credit. The program is divided into modules so physicians may complete the seminar in multiple viewings if needed.

**Premium credit and CME availability**

There are no changes to the premium credit options or CME availability from the 2021 LPS program.

Participation in this loss prevention online seminar may qualify ProAssurance physicians for a premium credit if they attend the entire two-module activity and pass the posttest with a score of 70% or greater. Physicians must complete the seminar in advance of their policy renewal in order to be eligible for premium credit. Premium credits are subject to approval by the state insurance department and are applied at policy renewal.

Some insured categories are not eligible to receive premium discounts for this activity due to current rate structures:

- Most Certitude® programs
- Ob-Gyn Risk Alliance®
- Excess & Surplus Lines
- Wisconsin physicians who are not Wisconsin Medical Society members

We will be directing insureds to their ProAssurance agent or Business Development representative if they have any questions.

All physician insureds are able to claim CME for participating in the LPS program.

MODULE ONE PRESENTERS



**Bradley E. Byrne Jr., JD**  
*Senior Risk Management Consultant  
Bradley advises physicians and other healthcare providers on healthcare risk management and professional liability issues.*



**Cyndi Nation, MBA-HCA**  
*Senior Risk Management Consultant  
Cyndi assists policyholders through phone consultation, presentations, resource development, and practice assessments.*

MODULE TWO PRESENTERS



**Alex Ealy, JD**  
*Senior Risk Management Consultant  
Alex advises physicians and other healthcare providers on risk management related medical professional liability issues.*



**Kelly Riedl, PA-C**  
*Senior Risk Management Consultant  
Kelly gained over 10 years of clinical experience in various specialties and clinical settings as a licensed Physician Assistant.*



This activity has been planned and implemented in accordance with the accreditation requirements and policies of the Accreditation Council for Continuing Medical Education (ACCME) through the joint providership of NORCAL Insurance Company and ProAssurance Indemnity Company, Inc. The NORCAL Insurance Company is accredited by the ACCME to provide continuing medical education for physicians.

NORCAL Insurance Company designates this activity for a maximum of 2 *AMA PRA Category 1 Credits™*. Physicians should claim only the credit commensurate with the extent of their participation in the activity.



**ASSESSMENTS**

# Risk Management Baseline Assessment Review

## A Medical Liability Self-Assessment Tool

Every day, busy practice administrators face countless tasks that relate to serving patients, the community, and staff. With so many things on their plate, administrators rely on office processes, but how well do staff understand them? Are your clients curious about how their practice compares to other practices when it comes to office processes? If so, ProAssurance Risk Management has a solution for them!

### Why Self-Assessment?

We designed a brief self-assessment survey that can be completed by the practice administrator and their team—including physicians—in a few short minutes. The questions focus on office processes such as diagnostic test tracking, management of phone calls, informed consent, emergency preparedness, and documentation.

The survey is anonymous and identified only by the role the person plays in the practice. This allows for candid answers that help identify gaps in staff competency and enables us to develop focused education opportunities that result in the most efficient use of the practice's resources.

### What Are the Benefits?

Knowing how their practice stacks up may give practice administrators confidence in processes, gap identification, and their ability to provide solutions. After completing the self-assessment, your client will receive:

- A confidential report that visually shows their practice's responses and compares them to other practices. This report includes associated risk reduction strategies and, in some instances, links to ProAssurance resources such as short videos, seminars, and sample tools.
- A consultation with an experienced ProAssurance Risk Management consultant to discuss the findings and tailor strategies to address their circumstances.

**CONSULTATION**

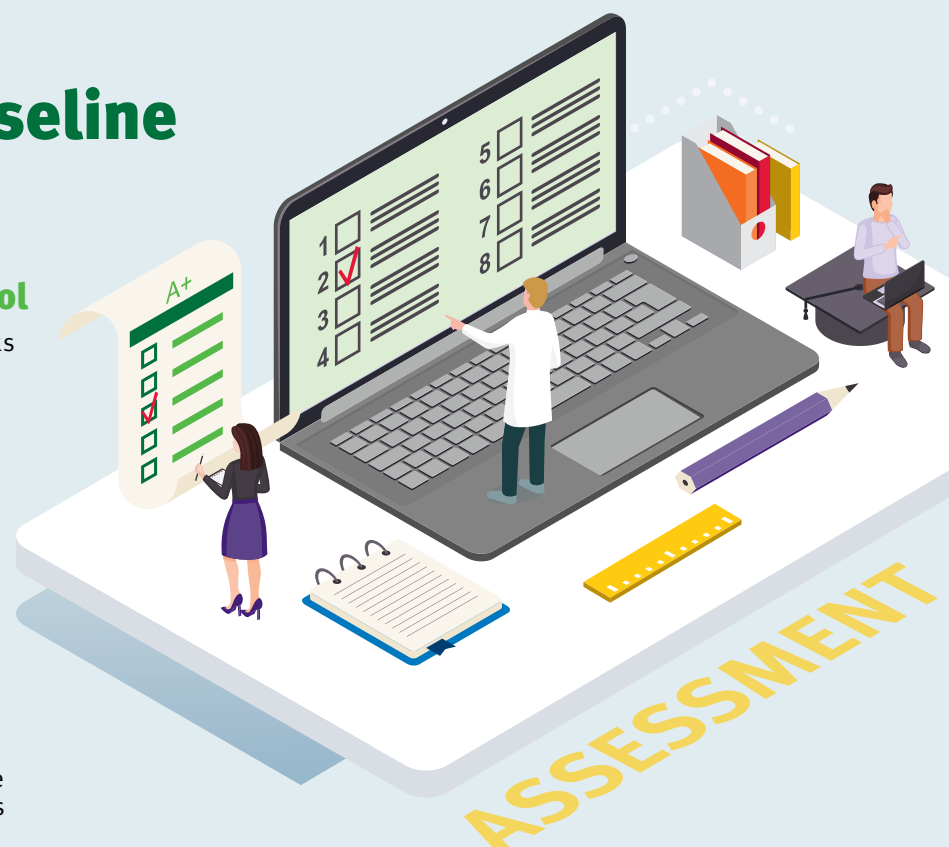
# Risk Management Helpline

Risk Management consultants are prepared to handle your risk and safety questions ranging from simple concerns to complex issues. Whether your clients are adding new services or changing procedures, our Risk Management consultants can help their team identify and address potential problems.

ProAssurance's Risk Management consultants are available Monday-Friday, 8 a.m. to 4:30 p.m., ET/CT by phone at 844-223-9648 or email [RiskAdvisor@ProAssurance.com](mailto:RiskAdvisor@ProAssurance.com).

NORCAL's Risk Management consultants are available Monday-Friday, 8 a.m. to 4:30 p.m., ET/CT by phone at 855-882-3412 or email [riskolutions@norcal-group.com](mailto:riskolutions@norcal-group.com).

Insureds may make use of either point of contact to connect with a Risk Management consultant.



# Live or virtual assessments

Your clients' practice can also benefit from a Medical Practice Site Survey (MPSS), an on-site risk assessment for the purpose of enhancing patient safety and helping reduce risk in their medical practice. Insureds can request a confidential on-site or virtual risk assessment to help identify opportunities for improvement. A Risk Management consultant will guide your clients through the process and offer valuable sound advice.

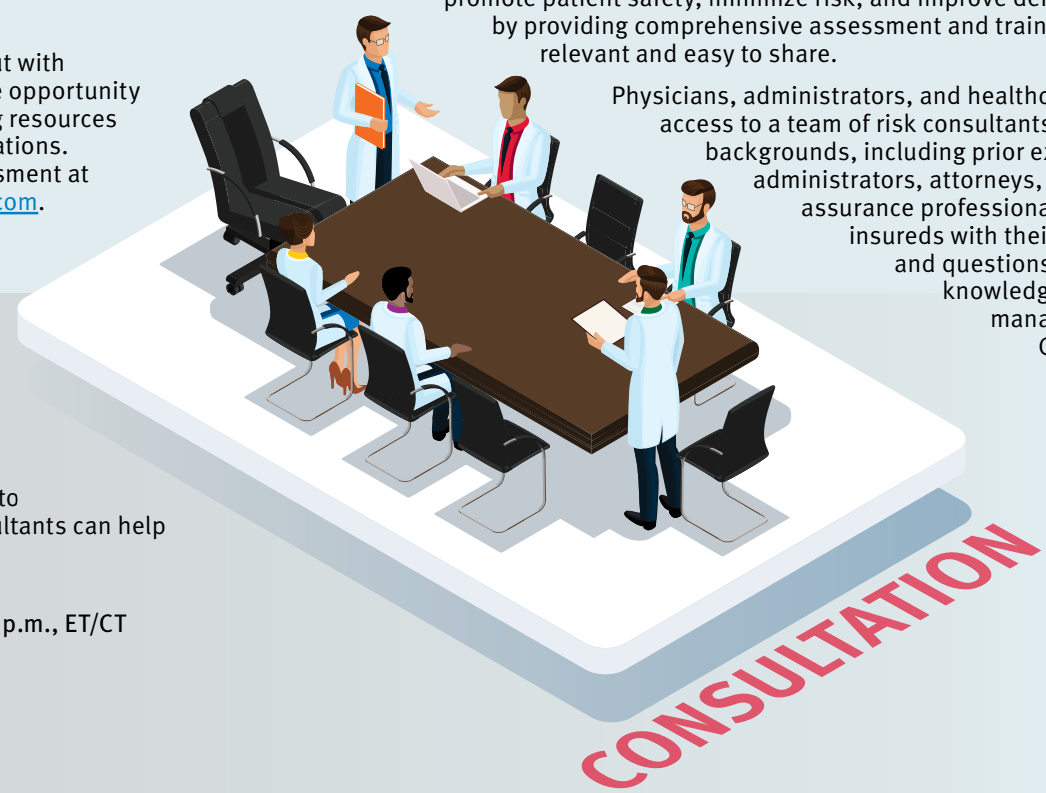
Highly trained consultants evaluate the practice's potential risk. The assessment includes a review of policies, procedures, and current processes. MPSS is a value-added service, available to insureds at no additional cost.

The assessment addresses:

- An overview of the medical practice
- A tour of the practice (if in person)
- Employee records, training, and licensure
- Staff and physician competency/credentialing review
- Office administration—scheduling, special accommodations, collections, patient termination, and complaints/incidents
- Tracking procedures—diagnostic tests, patient appointments, physician communication, and routine check-ups
- Patient services in specific patient populations (e.g., Geriatrics, Pediatrics, etc.)
- Office procedures and surgery—including sedation/anesthesia
- Medication administration
- Communication protocol—phone calls and staff training
- Medical devices—emergency equipment, training, and testing
- Medical records and electronic communication—patient information and risk management
- Document review and checklists—release forms, policies, patient communication, organization, documentation, informed consent, injections, and controlled substances

A consultant will discuss these topics with the practice administrator and office staff. At the conclusion of the assessment, preliminary findings will be discussed, with a written report to follow.

The ProAssurance Risk Management department is here to help your clients promote patient safety, minimize risk, and improve defensibility of claims by providing comprehensive assessment and training resources that are relevant and easy to share.



Physicians, administrators, and healthcare staff have access to a team of risk consultants with a wide range of backgrounds, including prior experience as healthcare administrators, attorneys, nurses, and quality assurance professionals. Risk managers assist insureds with their liability concerns and questions using specialized knowledge of healthcare risk management issues and the Company's experience defending claims.



# Share Your Opinion

## Weigh in on Our Combined Learning Management System

Currently, ProAssurance and NORCAL are maintaining their legacy learning management system (LMS) setups. In 2023, we expect to launch one combined system that will allow all insureds to access their CME resources—and provide tracking of CME participation.

The Risk Management team is currently reviewing LMS software options to serve the combined organization and would like to incorporate your feedback as part of the process. We want to ensure any needs or preferences you have are considered as part of our vetting process. If you are familiar with an LMS system that you think could benefit our organization, we would appreciate your suggestions.

Similarly, if there are any particular features you feel we should consider when selecting an LMS system—data points you find helpful, organizational structure, integration with other platforms, etc.—please let us know. We want it to be as easy as possible for you to take advantage of our risk management catalogue as part of your sales conversations.

[We have created a survey](#) for you to add any suggestions. We appreciate your feedback.

Once we select a new LMS system, we will share the information in *ProVisions*.

**EDUCATION**

# Video and Webinar Library



## Monthly CME Webinars

NORCAL produced 10 webinars each year on a variety of risk management topics. These webinars are presented live, and insureds can also watch recordings of the presentations via MyACCOUNT.

Beginning this month, all webinars will be available to both ProAssurance and NORCAL clients for CME. Insureds will be invited to the program via email, with the opportunity to register for any event they would like to attend. Recordings will be made available on both MyACCOUNT and the ProAssurance secure services portal.

**Upcoming topics include:**

- Implicit bias
- Workplace violence
- Infection control, LEAN Process, QI
- Opioid prescribing
- Open notes, info blocking, and the CURES act
- Professional boundaries
- Cybersecurity
- Medication management

We will share updates as each presentation becomes available.

## Video Library Content

In addition to the ongoing catalogue of webinar material, both ProAssurance and NORCAL websites contain recordings of presentations that were produced prior to the acquisition.

**NORCAL webinar topics include:**

- Managing Challenging Patient Encounters
- Teamwork and Communication
- Process Improvement to Minimize Risk
- Cultural Competency & Health Literacy
- TeamSTEPS® for the Medical Office
- Working with APP and Allied Health
- Hand-offs Along the Continuum of Care
- Disclosure of Unanticipated Outcomes
- Pain Management & Opioid Prescribing
- Diagnostic Errors
- Medical Ethics
- Stress & Healthcare Professional Burnout
- EHR & E-Communication Best Practices

**Current ProAssurance online CME seminar titles include:**

- Business of Medicine: Hidden Liabilities Lurking in Your Practice
- Cannabis: History, Trends, Tensions
- Antimicrobial Stewardship
- LGBTQIA+ in Healthcare
- Informed Consent: A Case Study Review
- A Comprehensive Approach to Improving Physician Wellness
- The Eight Crucial Commitments for Healthcare Leaders
- Disclosure in the Face of an Unanticipated Outcome
- Telemedicine: Legal and Practical Considerations
- Human Trafficking and the Healthcare Professional
- Burnout Proof: Leading the Creative Destruction of Physician Burnout
- CDC Guideline for Prescribing Opioids for Chronic Pain
- Taming the Reptile (the manual of the plaintiff's resolution)

## Two Minute Videos Return

[Two Minutes: What's the Risk? videos](#), hosted on the Risk Management YouTube channel, present healthcare industry professionals discussing common medical risk issues. The short video format makes it easy for busy healthcare professionals to learn the basics of timely risk management topics and share the content with their team.

**Our library, which contains 50+ videos, includes topics such as:**

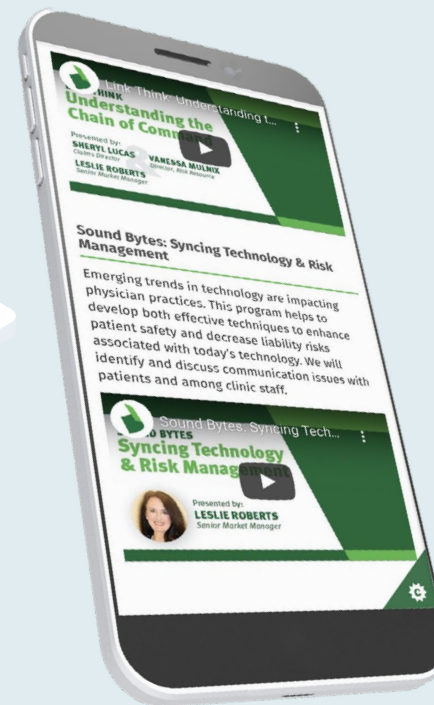
- Tracking and follow-up
- Non-compliant patients
- Informed consent
- Documentation
- Closing a practice
- Patient complaints
- Alert fatigue
- And more

**We are excited to announce the video series will be returning for 2022!**

Upcoming videos in the series include:

- Disclosure of unanticipated outcomes
- HIPAA business associates
- Service animals
- Normalization of deviation/workarounds
- Advanced directives/DNR
- The CURES Act

We will promote each video as it is released.



## Staff Seminar Videos for Practice Managers

ProAssurance is committed to providing practice managers with resources to help manage the risks they face in a busy practice.

Find a variety of short medical office staff seminar videos at ProAssurance.com that practice managers can share with their team to further their risk management education. Most videos are around 15 minutes long so they can easily be shared during the work day.

**Topics include:**

- Expect the unexpected
- Incident reporting
- Risk management principles to apply in practice-based scenarios
- A day in the life: A patient's perspective
- Link think: Understanding the chain of command
- Sound Bytes: Syncing technology and risk management

[View the full playlist.](#)

## Accessing Secured Resources

Insureds on accounts written on both ProAssurance and NORCAL paper are welcome to take advantage of any public-facing risk management materials. However, as we continue to integrate our technology systems, insureds only have access to the secure services portal associated with the issuing company for their policy (i.e., NORCAL insureds will continue to sign in to norcal-group.com and ProAssurance insureds will continue to sign in to ProAssurance.com).

This restriction largely affects access to policyholder documents and CME activities. We will continue to provide updates as these resources are combined at one access point. If at any time you need assistance accessing one of the secure portals or locating a resource your client needs contact your regional leadership team.

### Accessing the ProAssurance Secure Services Portal

Sign in to the secure services portal (SSP) by clicking **“Sign In”** at the top of any page of ProAssurance.com.

New to the SSP? Click **“Create an Account”** and fill out the form. The requestor will receive a response from the team in one to two business days.

### MyACCOUNT Online Access

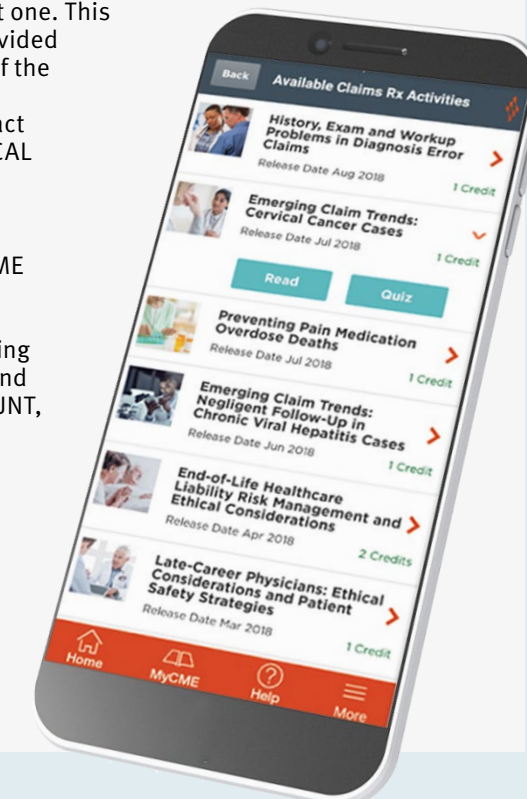
NORCAL policyholders can securely and easily access their account information and hundreds of CME and risk management learning opportunities online any time with [MyACCOUNT](#).

Click the MyACCOUNT dropdown at the top of any page of norcal-group.com to sign in. Those who don't have an account can select **“Sign Up Now”** in the sign in window to request one. This requires an activation code provided on NORCAL policy documents. If the requestor does not have their activation code, they may contact customer service at 844.4NORCAL for assistance.

### MyNORCAL® App

Fast, simple, and convenient CME activities on the go. The free MyNORCAL app for iOS and Android has all the award-winning **Claims Rx** articles and on-demand webcasts available in MyACCOUNT, automatically syncing CME activity with other devices.

Learn more about the [MyNORCAL app or download it for free](#) today and use your MyACCOUNT login.





**PUBLICATION**

# Publications and Tools

## ClaimsRx

ClaimsRx focuses on claims-based learning and risk management advice to improve patient safety to decrease the risk of a claim. This is the flagship risk management publication for NORCAL Group, and we are excited to include it as part of our combined suite of risk management offerings available to our combined insured community in 2022.

Issues are emailed to insureds, who can then sign into the ProAssurance or NORCAL websites to complete the course for CME credit.

Upcoming topics include:

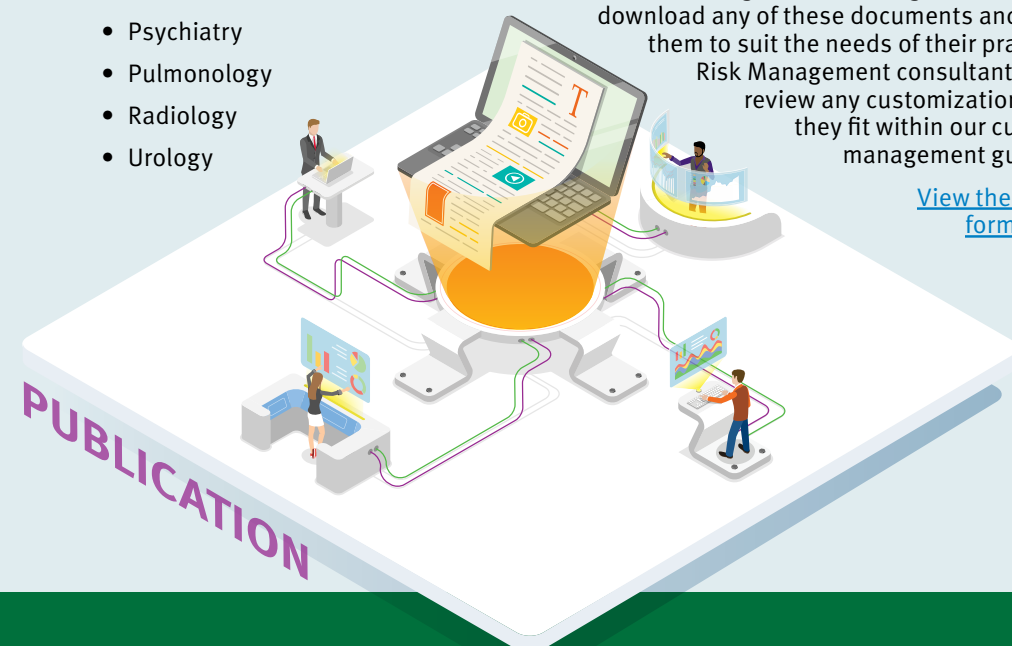
- Hand-off communications in medical care
- Approaches to managing patients with disruptive behaviors
- Supervision of medical assistants
- Advanced practice professionals
- A review of claims involving diabetic patients
- Boundaries: risk management, professionalism, and ethical considerations
- A review of lung cancer claims
- A review of emergency department claims

## Vital Signs

Vital Signs is intended to help physicians recognize common causes of malpractice claims by presenting actual case histories of malpractice claims. Previously, this publication was provided to insureds by specialty on a semi-annual basis. Beginning in 2022, all insureds regardless of specialty will receive Vital Signs on a monthly basis.

Our specialty list includes:

- Anesthesiology
- Cardiology
- Emergency Medicine
- Family Medicine
- General Surgery
- Internal Medicine
- Senior Care
- Neurosurgery
- Ob-Gyn
- Orthopaedics
- Pediatrics
- Psychiatry
- Pulmonology
- Radiology
- Urology



## Risk Management Guidelines

We have identified commonly encountered areas of medical professional liability risk and provide helpful advice on reducing potential liability in these areas. The [Risk Management Guidelines](#) serve as a handbook to help you implement foundational risk management strategies.

The guidelines cover topics including:

- Incident/claim reporting
- Practicing good communication skills
- Patient complaints
- Disclosure of adverse outcomes
- Obtaining informed consent
- Medical record documentation and storage
- Implementing tracking systems
- Adopting policy and procedure manuals
- Medical emergency planning and training
- Confidentiality (HIPAA) and resources
- Terminating the physician-patient relationship
- Moving your practice location
- Retiring from your practice
- Office staff standards
- Phone call procedures
- Texting and email procedures
- Billing and collection tips
- Rescheduling appointments
- Medication and prescription risks

The Risk Management team is working to release an updated set of Risk Management Guidelines that combine the previous ProAssurance and NORCAL documents. We will share more updates when this document is available.

## Sample Form Library

ProAssurance provides resource documents, sample forms, data security resources, and tools to support policyholders. These resources provide timely updates on current risk management challenges. Insureds can download any of these documents and customize them to suit the needs of their practice. Our Risk Management consultants can also review any customizations to ensure they fit within our current risk management guidelines.

[View the sample form library.](#)

## ASSISTING AGENTS AT THE POINT OF SALE

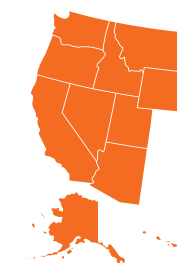
# Invite Risk Management or Claims Personnel to Your Sales Discussions

Did you know our Risk Management and Claims professionals are available to help you engage your customers—whether at the point of sale or in discussions about potential risks? When talking with potential clients, we know the importance of being able to address their liability concerns and claims handling questions.

We can work with your clients to identify risks and develop goal-oriented solutions to help improve patient safety and satisfaction while preventing losses. Our seasoned professionals are at-the-ready to help you navigate the complexities of the ever-changing healthcare industry using specialized knowledge of healthcare risk management issues and decades of experience defending claims.

ProAssurance consultants have a wide range of backgrounds, including prior experience as healthcare administrators, attorneys, registered nurses, clinicians, and quality/performance improvement professionals. We'd be happy to give an overview of the many benefits we provide our insureds, including valuable risk management resources, superior service, and added benefits such as cybersecurity coverages.

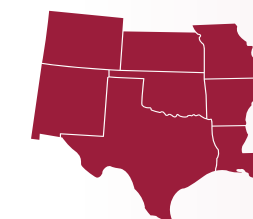
Our Risk Management consultants can address patient safety, minimizing risk, and improving the defensibility of claims by providing comprehensive assessment and training resources. If you would like to invite a ProAssurance Risk Management or Claims professional to be part of your sales conversations, just give your regional leader a call.



## West Leaders

**Claims:** Gina Harris [GinaHarris@ProAssurance.com](mailto:GinaHarris@ProAssurance.com) or 702-697-6424

**Risk Management:** Katie Theodorakis [KatieTheodorakis@ProAssurance.com](mailto:KatieTheodorakis@ProAssurance.com) or 415-735-2154



## Southwest Leaders

**Claims:** Mike Severyn [MikeSeveryn@ProAssurance.com](mailto:MikeSeveryn@ProAssurance.com) or 517-347-6262

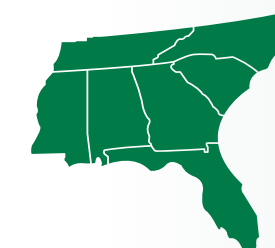
**Risk Management:** Mallory Earley [MalloryEarley@ProAssurance.com](mailto:MalloryEarley@ProAssurance.com) or 205-802-4789



## Midwest Leaders

**Claims:** Scott Hunsberger [ScottHunsberger@ProAssurance.com](mailto:ScottHunsberger@ProAssurance.com) or 317-884-5638

**Risk Management:** Tina Santos [TinaSantos@ProAssurance.com](mailto:TinaSantos@ProAssurance.com) or 317-884-5649



## Southeast Leaders

**Claims:** Frank Bishop [FrankBishop@ProAssurance.com](mailto:FrankBishop@ProAssurance.com) or 813-969-4559

**Risk Management:** Ginger Kelley [GingerKelley@ProAssurance.com](mailto:GingerKelley@ProAssurance.com) or 904-309-8132



## Northeast Leaders

**Claims:** Mark Lightfoot [MarkLightfoot@ProAssurance.com](mailto:MarkLightfoot@ProAssurance.com) or 202-969-3102

**Risk Management:** Nichole Pieters [NicholePieters@ProAssurance.com](mailto:NicholePieters@ProAssurance.com) or 415-735-2245

# Meet the Risk Management Leadership Team

The ProAssurance Risk Management department is here to help your clients promote patient safety, minimize risk, and improve defensibility of claims by providing comprehensive assessment and training resources that are relevant and easy to share.

Physicians, administrators, and healthcare staff have access to a team of risk consultants with a wide range of backgrounds, including prior experience as healthcare administrators, attorneys, nurses, and quality professionals. Risk managers assist insureds with their liability concerns and questions using specialized knowledge of healthcare risk management issues and the Company's experience defending claims.

Meet our new combined team.



**Lisa Van Duyn, RN, BSN**  
Vice President, Risk Management

Lisa started her nursing career at an Indianapolis faith-based hospital where she was quickly promoted to the night shift Assistant Head Nurse. A year later, she was promoted to the Unit Manager position and also managed the Orthopedic Tech division. Then Lisa joined a small county hospital outside of Indianapolis as the Assistant Director of Nursing. She was promoted to the Director of Nursing and within a year she was given the title Vice President of Professional Services and Chief Nursing Officer, which she held for 13 years.

Lisa was responsible for all professional inpatient and outpatient services (except lab and radiology), Quality, Accreditation, and the Patient Ombudsman. She joined PHICO Insurance Company as a Risk and Safety Management Consultant in February 2001, because PHICO provided coverage to the hospital, and transitioned to a Senior Risk Management Consultant role with ProAssurance. Four years later, Lisa was promoted to Director of Risk Resources, then promoted to Vice President, Patient Safety, and now serves as Vice President.

In this current role, Lisa leads the Risk Management department in developing and executing a strategy to reduce insureds' exposure to claims. As the leader of the department, Lisa ensures high-performance risk management results within the department and HCPL line of business. She also coaches and mentors team members and is responsible for all areas of Risk Management operations.



**Dustin Shaver**  
Assistant Vice President, Risk Management

Dustin Shaver joined NORCAL in 1994. Previously he was working as a pharmacy tech. He became intrigued with the opportunities at NORCAL as the role available was a firsthand view of where medicine, law, and insurance intersect.

Once at NORCAL, Dustin progressed through every level of representative and claims management below Claims department head before transitioning to the Risk Management department in 2008.

In his current role, Dustin works directly with Lisa on the integration of the two Risk Management teams. He provides leadership and guidance with our organization's continuing medical education (CME) program and risk management publications, benefiting thousands of insureds who are interested in reducing their medical professional liability risks and practicing safer care.

## Meet the rest of the Risk Management team.

**Christina Cassidy**, CPHQ, RN, BSN, **Katherine Salois**, RN, BSN, CPHRM, CPHQ, **Bradley Byrne**, JD, **Wendy Alderman**, RN, MBA, CPHQ, CPHRM, **Eric Cleckler**, MSN, RN, **Joanne Simmons**, RN, BSN, Lean Healthcare Certification, Patient Safety Certification, **Alex Ealy**, **Kelly Riedl**, PA-C, **Cyndi Nation**, MBA, HCA, **Biz Niesuma**, JD, **Laurette Salzman**, **Brenda Tuck**, RN, MSN, CPHRM, **Mary Jo Capuano**, **Mary-Lynn Ryan**, JD, & **Shirley Armenta**.



**Katie Theodorakis, JD**  
Regional Manager, West

Katie Theodorakis obtained her law degree from the University of San Francisco in 1994 and practiced civil litigation before beginning her risk management career working for the University of California managing the professional liability program at San Francisco General Hospital. She began working at NORCAL in San Francisco in 2002.

In her current role, Katie manages the team of Risk Management Consultants who provide valued risk management services to our policyholders. She also works with our internal customers such as Business Development and Underwriting, as well as our agent partners.



**Mallory Earley, JD**  
Regional Manager, Southwest

Mallory graduated from law school in 2010, after which she worked in a variety of legal settings—from working federal cases in a rural warehouse for a coal company to performing contract and indemnity work for an insurance broker in the Energy & Marine division. She then explored the world of litigation that ranged from general civil work to medical defense, and ultimately landed in family law. She joined the ProAssurance Risk Management department in 2015.

Mallory's main area of focus for the Risk Management department is overseeing the services provided in the Southwest region, particularly those in Texas and Missouri. Primarily, Mallory contributes to publications and educational activities, and is also increasingly stepping into the patient safety side of operations, including providing physician assessments and risk mapping for hospital clients.



**Tina Santos, RN, MBA, JD, CPHRM, CCM**  
Regional Manager, Midwest

Tina worked as a nurse for over 30 years, which provided the opportunity to work for insurance companies, home healthcare, and as a travel nurse in Washington and Alaska. She also spent 10 years as a case manager at Elliot Hospital in New Hampshire while attending law school at night.

As a regional risk manager, Tina leads a small yet very strong team with the breadth and depth of experience to serve our insureds. Currently the team is reaching out to new and renewed insureds to offer our virtual baseline self-assessment.



**Nichole Pieters, MS, RN, CEN, CPHQ, CPPS**  
Regional Manager, Northeast

Nichole has over 30 years of healthcare experience. She has a nursing background, with the majority of her clinical experience in emergency nursing. Prior to joining the company, Nichole served as the director of quality and risk management in both a smaller community hospital and within a large health system in the Metro D.C. area.

As a regional manager, it is Nichole's privilege and responsibility to work with our dynamic leadership team to ensure our entire staff are supported and empowered to create and deliver superior services and products to our insureds, as well as our internal customers. Further, Nichole leads a team that has a dedicated focus on our insureds in the Northeast Region. Much like our colleagues in the other regions, the team supports insureds through phone consultations, written and recorded resources on a variety of topics, virtual and in-person risk assessments, quality program assessments and other tailored activities intended to reduce liability risk and prevent claims. Additionally, the team collaborates with colleagues in other departments to create and develop CME and non-CME activities, as well as up-to-date content on our website, to support all insureds.



**Ginger Kelley, MHA, ARM, CMPE, CPHRM, FASHRM**  
Regional Manager, Southeast

Ginger earned a degree in healthcare administration from the Medical College of Virginia in 1991, as well as an Associate in Risk Management from the Insurance Institutes. She has been a National MGMA member since 1998 and is board certified by the American College of Medical Practice Executives. Ginger has active memberships in state and local MGMA chapters including past board of directors roles. She has 15+ years of practice management experience including ob-gyn, Primary Care, and Anesthesiology—as well as 20+ years of claims, underwriting, and risk management experience for multiple MPL carriers including a self-insured and an off-shore captive for an academic faculty practice. Ginger gained clinical experience as a paramedic for 14 years and ACLS instructor in 50+ courses, including didactic lectures and skills assessments of physicians, nurses, and paramedics.

As a regional manager, Ginger coordinates the efforts of her team to provide services to our regional clients, as well as contributes relevant content to the broader insured audience through publications and presentations.



# One-on-One Inspiration

The Risk Management team spends a great deal of time interacting with our insureds on a one-on-one basis. Those interactions can lead to some impactful moments, which resonate with the team and help to drive the work they do. We asked the team to share some of the moments in their work that stuck with them and inspire their work going forward.



“Connecting with those in need and being able to be the calming voice of reason when situations arise often gives a sense of satisfaction that we are helping others while teaching them how to handle risk events or how to avoid risks.”

”

**DIRECTION**  
I enjoy assisting insureds when they call the risk management phone line and are uncertain what steps they should take next in a particular situation. **The caller's emotions can range from anxious and nervous to frantic. The ability to provide direction and reassurance in these instances is extremely gratifying.**

**Eric Cleckler**  
Senior Risk Management Consultant

**EMPATHY**  
I have some really meaningful interactions with policyholders when they have called the risk management phone line. In particular, I remember speaking to physicians who have been involved in an unanticipated outcome. They are distressed, worried about the patient and their liability risk. I have advised them of next steps, including disclosing to the patient/family and medical record documentation. **I feel what they valued most is just having someone to listen to them, empathize, and try to assure them that things will be okay.**

**Katie Theodorakis**  
Regional Manager, West

**RELATIONSHIPS**  
I received flowers and a very kind thank you note from a practice manager. I had visited the office for an on-site assessment and offered some practical suggestions on documentation improvement strategies. She was new to the role and had many questions and concerns regarding process improvements. After about six months of follow-up conversations, she said she felt like she had a much better understanding of how to prioritize her demands and was making progress with the suggested risk mitigation suggestions. We talk as often as she needs me. **That's what it's all about for me—forming relationships with the insureds and helping them navigate the challenges they face daily.**

**Joanne Simmons**  
Senior Risk Management Consultant

**TEACHING**  
I would say that **connecting with those in need and being able to be the calming voice of reason when situations arise often give a sense of satisfaction that we are helping others while teaching them how to handle risk events or how to avoid risks.** One example would be when a provider called upset about how to handle feuding parents of their pediatric patient, and I was able to talk it through while providing risk resources. The provider was so grateful for the help. The fluidity of COVID-19 information is also very well received and appreciated. One last example would be that practice managers often enjoy our risk plans that include quick leads to information and relatable examples that they can use from an operations standpoint. We have provided these offerings individually and through medical society events. It's super cool to connect with others who want to make a difference in their own way and that what we do can help them accomplish this.

**Cyndi Nation**  
Senior Risk Resource Advisor

**SAVING LIVES**  
I have worked with many large mega groups and, with one, we coordinated a series of risk assessments that impacted their medication delivery processes. **The leadership of the group gave NORCAL's Risk Management credit for saving lives in the risk management program we created with them.**

**Christina Cassidy**  
Senior Risk Management Consultant

**LISTENING**  
I like to find a way to personally connect with a doctor or practice manager. I really enjoyed the face to face interactions pre-COVID, but I have had plenty of opportunities over the phone and emails to lend a hand in a trying time. Because of my family law background, I naturally gravitate to minor patient issues/consent/HIPAA/etc. and pediatric practices. I have a few “frequent callers” that can be as simple as a record request or as convoluted as parental rights.

One of my most recent phone calls where I felt that I made a difference was with a practice that had a patient complaining and the initial fear was to ignore and not answer the patient's questions. I encouraged the practice to reach out and listen to the patient and try to at least offer a copy of records. After much angst, they called the patient then called me back to say how much they appreciated my advice. **Letting the patient feel heard without feeling the need to solve the issue immediately is a great way to try to resolve an issue prior to any litigation.** The genuine appreciation and connection to the insured exemplifies why I love what I do.

**Mallory Earley**  
Regional Manager, Southwest

**COMMUNICATION**  
As a regional manager at NORCAL, I received a call from an anxious insured on a weekend due to an unanticipated adverse event. **We spent three-plus hours on the phone together until he was calm and able to develop a plan for documenting the events that had occurred, the plan for following the patient's situation, and how to communicate with the family and colleagues regarding the situation.** He then became a “regular” who contacts me whenever he needs reassurance regarding risk-related issues.

**Ginger Kelley**  
Regional Manager, Southeast

“That's what it's all about for me, forming relationships with the insureds and helping them navigate the challenges they face daily.”

”

*Being a first point of contact, I have many stories but one that stands out for me was onboarding an older insured who was completely averse to participating in our online only CME program. In addition to his ire regarding having to create an account, he was grieving the loss of his wife and a looming forced retirement. He was so frustrated he broke into tears. I asked him to share with me what he loved most about his wife—we cried and laughed together. **We managed to create a user account, but he needed something more than just a good customer experience that day. He needed grace, compassion, and someone's time—he got mine!***

*The doctor would later contact me for assistance with his password or some issue he was having which resulted in more conversation where we learned we had many shared interests (art, museums, astronomy, and the blues). While I was out on medical leave, he noticed that he was receiving CME certificates from another staff member, so he called the Risk Management helpline to inquire about my well-being. He shared his contact information and, four years later, we continue to keep in contact.*

**Kethra Keeling**  
Senior Administrative Assistant

**SERVICE**  
I was assigned to a wonderful, large multi-specialty group that had been through a difficult time with respect to several claims within a few years of each other. Our team had worked with this group on several initiatives including risk assessments and helping them with their quality improvement program. **As I was departing after an in-person visit, the COO of the organization (an attorney and physician), hugged me and thanked me with teary eyes and told me how grateful she was for all that our organization had done for her and them over the years (risk management and other departments too).** She said, “You know, it's all about the relationships. And I am so grateful for the wonderful people I've met and the relationships I've developed with you folks over the years. Thank you!” I thought, wow! This is what it's all about. Either serve the patients or the people who do. It is a privilege to serve and support our insureds.

**Nichole Pieters**  
Regional Manager, Northeast



# Top Tier Continuing Medical Education

Our goal is to be the industry's premier continuing medical education (CME) program, providing our insureds with quality learning opportunities and meaningful resources to improve patient safety, reduce the likelihood of medical errors, and improve defensibility in the event of a malpractice allegation.

In fact, our risk management offerings, as a selling point, are a top differentiator from other MPL companies. We have convenient online offerings, live events, case studies, monthly publications, as well as national and on-demand webinars covering a variety of topics.

## One Program Benefitting Our Insureds

At the time NORCAL joined ProAssurance, both issuing companies (ProAssurance Indemnity and NORCAL) were accredited to provide CME credits. In July 2021, NORCAL Insurance Company received Accreditation Council for Continuing Medical Education (ACCME) Accreditation with Commendation, which includes a six-year term through July 2027. The ProAssurance program, previously accredited with commendation, was set to expire in July 2022.

We decided to maximize use of the NORCAL Insurance Company CME program going forward for our combined organization. As an ACCME accredited provider, NORCAL Insurance Company and ProAssurance Indemnity can offer CME credit opportunities for insureds through joint providership.

## Best Practices

"Our CME team ensures that we meet the standards of the ACCME and is focused on best practices in educational design," said Shirley Armenta, CME Program Manager. "In fact, the team routinely works on their own professional development as educators."

CME program strengths include team-based education, public health priorities, and demonstrating achievement of outcomes. "We must be able to demonstrate that we are achieving positive, impactful results relating to patient outcomes and our insureds," said Armenta. The team also focuses on interprofessional education and skills enhancement, with an emphasis on patient safety and risk mitigation. Concentrating on these areas has allowed us to achieve the coveted "Accredited with Commendation" status.



## Topics

Our Risk Management team is committed to helping protect your clients from risk. When we identify medical professional liability high-risk areas, we implement educational activities and initiatives designed to help minimize those risks. CME activities are planned to be responsive to the medical liability risk issues faced by our insureds. Because our CME program is intended to change learner behavior to mitigate risk, the CME team often looks for the issues that are causing claims and helps design the program's topics to be the intervention.

Among our most popular recent topics were:

- Difficult Patient Relationships: Rehabilitate vs. Terminate (2022 Webinar)
- Is It Safe to Send That Text? (2022 *Claims Rx*)
- The Business of Medicine: Hidden Liabilities Lurking in Your Practice (2021 Webinar)
- Medical Record Documentation Risks and Strategies (2021 *Claims Rx*)
- Virtual Consultations: Risk Management and Patient Safety During the Pandemic and Beyond (2021 *Claims Rx*)
- Health Literacy: How to Ensure that Your Patients Understand You (2021 Webinar)

## Measuring Outcomes

Our CME program's primary objectives are to have learners (1) assess their practice for the risks that we identify, and (2) implement the risk management strategies that we suggest in the content of the education.

"In order to demonstrate impactful results, we ask learners to reflect on their commitment to make changes in their practice to reduce MPL risks," said Armenta. To measure learners' commitment to implement risk reduction strategies, the CME team has implemented a post-activity survey for CME participants, asking about their commitment to behavioral change upon completing a CME activity. Specifically, we ask our participants, "As a result of what you learned, what are you going to do differently?" We also offer free-form text comments to gain further insight into the perceived value of our educational material and format. Because we aim to educate entire healthcare teams, we also ask insureds what they are going to share with the others on their healthcare team.

We expect that learners who regularly participate in the program will experience more favorable patient outcomes, which can be an indicator of lower levels of professional liability claim loss. We measure this through periodic study of reported claims.

## Contact Us

We are committed to helping protect your clients from risk and believe that making our patient safety education easy to access will help us do so. With our industry-leading risk management resources, your clients can earn credits anytime, anywhere, and at no additional cost.

To learn more about the high standards of our CME program, or if you have questions about upcoming CME opportunities, please contact Shirley Armenta at [ShirleyArmenta@ProAssurance.com](mailto:ShirleyArmenta@ProAssurance.com).



*ACCME revised its criteria for awarding Accreditation with Commendation in 2020, and since that time, approximately 13% of providers seeking reaccreditation have been awarded commendation.*

*This places our CME program in the top tier of continuing medical education providers in the country.*

## Forging a Unified Risk Management Department

### Teams from ProAssurance and NORCAL wasted no time uniting their service offerings

As ProAssurance and NORCAL Risk Management staff combined to create a unified team, there was one goal that remained front and center—maintain the same level of service insureds had come to expect.

With that goal in mind, the Risk Management team began to collaborate, evaluating what each group had been offering their insureds, and making a plan to refine our deliverables to focus on the highest quality risk management recommendations and tools possible. This effort recently culminated in the inaugural Risk Management all hands meeting February 21-23. Staff gathered together to formalize plans for achieving their 2022 goals, share status updates on ongoing projects, and enjoy the opportunity for team building and networking within the group.

### Additional highlights from the team

As part of the meeting, Risk Management team members were asked what they considered to be the top accomplishments from the past year.

- **Joining the regional model**—The Risk Management team agreed to work on the regional model, selecting five regional leaders and establishing regional teams. This is allowing the Risk Management department to collaborate more directly with Business Development, Underwriting, and Claims—as well as putting the focus on providing up-to-date risk management advice specific to insureds' practice environment.
- **Investing in Origami**—The team selected Origami as a risk management information system for use in baseline assessments and other data gathering projects. [KLAS Research](#) has voted Origami Risk as the best healthcare safety, risk, and compliance solution for healthcare organizations in 2022.
- **Combined ACCME accreditation**—NORCAL received Accreditation Council for Continuing Medical Education (ACCME) Accreditation with Accommodation in July 2021. At that time, the Risk Management department worked to unite all CME offerings under a single accreditation.
- **LPS and monthly webinars continue**—While the team worked to create a unified editorial calendar for risk management offerings, the team simultaneously continued to produce ProAssurance's annual LPS program and NORCAL's monthly risk management webinars.
- **Combined risk management guidelines**—The risk guidelines project team reviewed the existing risk management guidelines produced by ProAssurance and NORCAL, and combined them into one comprehensive document. The guidelines are currently being prepped for publication to be shared with all insureds.

While this is certainly not a comprehensive list of all activity which has taken place since May 2021, it provides a clear snapshot of the priorities of the department. Many of these items are highlighted in further detail throughout this issue. We will also continue to share updates throughout the year as key milestones are achieved.



# Ties that Bind

Monthly Insights for Selling to Healthcare Professionals

## The Rewards of Risk

How do you get time with physicians and other busy HCPs without sounding like the dozens of other salespeople who approach them every week? Talk about something they care about and can't ignore.

Many topics meet that definition, such as better patient outcomes, saving money, and saving time. But risk is the subject that trumps virtually all.

Diagnosing and treating patients involves risk. As such, healthcare professionals are risk managers. It's easier to engage them with a subject that's always top-of-mind such as risk, instead of the typical "Hi doc, I want to show you a product" approach.

ProAssurance Risk Management services provide you with compelling ways to discuss risk with prospects and clients during the sales process and after.

### Don't Just Mention ProAssurance's Risk Management Services to Prospects and Clients—Sell Them!

It's normal to feel the pressure of limited time when meeting with doctors and other healthcare professionals. As a result, you might focus discussions on MPL coverage and give any value-adds little more than a quick mention.

ProAssurance's Risk Management services are an essential part of the overall value you provide. *Don't just mention them; sell them!* And the best way to sell them is to connect emotionally.

Canadian Neurologist Donald Calne said, "The essential difference between emotion and reason is that emotion leads to action while reason leads to conclusions."<sup>1</sup>

Here's a handy framework to help clients and prospects connect emotionally with the value of ProAssurance's Risk Management services. It's called *SBT*.

#### SBT stands for Symptoms, Benefits, Time.

**Symptoms** are common or ongoing concerns prospects/clients have that get their attention. There is emotion in that circumstances are involved they'd like to avoid or achieve.

**Benefits** refer to how they will benefit from becoming familiar with and using the risk management services.

**Time** tells a busy healthcare professional how much time is needed to discuss these critical issues and help them benefit.

Here's an example of *SBT* in use. The pandemic led HCPs to consider medical liability relative to COVID-19. Some common concerns included:

- "What's my liability exposure regarding testing?"
- "What happens if a patient gets infected while under my care?"

You could use *SBT* to position ProAssurance's Risk Management services this way:

- Symptoms: "During the pandemic, many physicians have questioned whether COVID-19 increased their medical liability risk if, for example, a patient contracted COVID while under their care. What have been your concerns?"
- Benefits: "ProAssurance's comprehensive risk management resources address this and other liability issues and can help you manage them more effectively. Can we discuss how you and your staff can take advantage of these included resources to help protect your practice and you personally?"
- Time: "We'll need less than five minutes for an overview, and the doctors I've discussed this with said they were glad they took the time."

Highlighting ProAssurance's Risk Management services demonstrates commitment beyond the sale. It shows prospects/clients you're not there just to sell them a policy but also to help them avoid the need to file a claim.

Managing risk is always a high priority in healthcare. You have a valuable set of tools to explore and address prospects' and clients' concerns with ProAssurance's Risk Management services. Use this value-added benefit to create more sales and service opportunities. It opens doors to meaningful conversations and helps you distinguish yourself and ProAssurance in the MPL insurance marketplace.

<sup>1</sup> Calne, Donald B. (1999). *Within Reason: Rationality and Human Behavior*. New York, Pantheon Books.

Written by **Mace Horoff** of Medical Sales Performance

Mace Horoff is a representative of [Sales Pilot](#). He helps sales teams and individual representatives who sell medical devices, pharmaceuticals, biotechnology, healthcare services, and other healthcare-related products to sell more and earn more by employing a specialized healthcare system.

**Have a topic you'd like to see covered?** Email your suggestions to [AskMarketing@ProAssurance.com](mailto:AskMarketing@ProAssurance.com).



# Winning Focus

## Professional Wellness Resources for Your Clients



ProAssurance and NORCAL both partner with Winning Focus™, a leader in physician stress reduction coping and support to provide confidential, non-reportable coaching for litigation and COVID-19 stress at no additional cost. We have combined those efforts and will continue to provide access to this resource to our physician and advanced practice healthcare providers going forward.

Please note, NORCAL referred to this program as YouCare. We will not be carrying this name forward, but no changes have been made to the offerings or availability associated with the program.

### Professional Wellness Coaching

Winning Focus allows for private, one-on-one discussion with an experienced stress coach and supports the effective management of litigation and COVID-19 related stress and burnout.

Physicians may sign up for coaching sessions by contacting Gail Fiore at Winning Focus directly.

### Contact Winning Focus

**Gail Fiore, MA, MSW, CEAP, BTTI, President**  
724-875-4111  
[Gail@WinForDoc.com](mailto:Gail@WinForDoc.com)

Monday – Friday, 9:00 a.m. – 6:00 p.m., ET  
Saturdays, 10:00 a.m. – 2:00 p.m., ET

### What Physicians Can Expect

The coaching process begins with the physician initiating contact with Winning Focus by phone or email. During the initial call, the physician will be encouraged to outline their concerns. They will then be matched with two or three highly experienced, doctoral level coaches who specialize in physician stress reduction and resilience.

For questions about the program, or to get a referral to participate in the program, contact Lisa Van Duyn, Vice President, Risk Management at [LisaVanDuyn@ProAssurance.com](mailto:LisaVanDuyn@ProAssurance.com) or 317-884-5623.





# THE Comments Section

## This month's topic: Top 10 Health Technology Hazards for 2022

Reflecting the volatility in healthcare during the COVID-19 public health emergency, this 15th edition of the Emergency Care Research Institute's Top 10 Hazards list includes many first-time topics. Several of these expand on the key theme from their 2021 list: the need to progress from just trying to cope during the pandemic to building stronger and more resilient processes, leveraging the innovations developed and the lessons learned along the way. Other topics on this year's list address emerging challenges, under-the-radar issues, or persistent hazards that require renewed attention.

[View the full article.](#)

Source: ECRI

*"Inadequate emergency stockpiles of medical supplies was a significant factor in our early response to COVID-19. The impact to patient care is obvious; however, we will not understand the impact on medical negligence claims for some time. Stockpiling supplies should be a priority now so that the healthcare industry is prepared to respond to the next medical crisis."*



**Andrea Linder**  
Director,  
Business Development

*"Cyber liability coverage has become an essential part of a customer's insurance portfolio. Healthcare providers continue to face an ever growing threat of cyber risk. Agents should consider cyber liability a fundamental part of their coverage offerings."*



**Melanie Tullos**  
Vice President, Agency  
and Direct Sales

*"Number one says, 'Cybersecurity Attacks Can Disrupt Healthcare Delivery, Impacting Patient Safety' but it should say, 'Cybersecurity Attacks Do Disrupt Healthcare Delivery, Impacting Patient Safety and Medical Professional Liability.' Here in Alabama an infant death is being characterized as the first death caused by a ransomware attack. The mother has filed [suit](#) against the hospital stating she would have sought care elsewhere if she had known about the ransomware attack underway at the time."*



**Steve Dapkus**  
Vice President, Marketing

*"COVID-19 forced many U.S. industries to digitalize and determine how to promptly address their customers' needs for services and goods previously offered in-person in an electronic format. This was great news for the technology and digitalization fronts and the customer experience journey for those consumers wanting more self-service and at-home options. However, a tight timeline for implementation and ever-changing guidelines for telehealth created an environment conducive to pockets of risk in the care-delivery model. As the patient desire for telemedicine is here to stay, now is a great time to re-evaluate telehealth programs to ensure they are meeting patient needs safely and effectively. Our Risk Management department is a great resource for any insureds with questions on their telehealth setup."*



**Ashlee Peralez**  
Senior Innovation  
Research Analyst

*"This article is an excellent resource for all healthcare organizations regardless of type, size, or specialty, as it can be used as a starting point or guide for an organization's own hazardous vulnerability analysis. As a proactive step to patient safety and risk mitigation efforts, I would suggest that clinical and administrative leaders take advantage of the valuable research and tools provided in the article to evaluate their internal technologies and processes, as applicable, to identify areas of opportunity for improvement. The Risk Management team at ProAssurance is always available to our insureds to offer guidance and insight on this and other types of efforts in improving quality and patient safety initiatives to reduce liability."*



**Nichole Pieters**  
Northeast Regional  
Manager, Risk Management



### NORCAL FOUNDATION FAREWELL

## NORCAL Group Foundation: A Legacy of Community Support

For the past five years, NORCAL Group operated the NORCAL Group Foundation, a non-profit organization dedicated to improving healthcare in local communities by awarding funding for initiatives focused on patient care, patient safety, health education, and physician wellness.

More than 50 exceptional organizations from across the country received nearly \$1 million in funding from the Foundation. The grant recipients were consistently varied in both their scope of projected outcomes and their reach into the communities they serve.

The financial support helped provide a variety of community services, including access to critically needed healthcare for uninsured low-income residents (Westminster Free Clinic, Samaritan House, South County Community Health Center, Christian Health Associates, San Diego County Medical Society Foundation, Christian Medical Ministries) and weekend meals for elementary school children across America who might otherwise go hungry (Project Angel Food).

In addition, thousands of children were able to receive vision, hearing, and dental screenings (Healthier Kids Foundation), and low-income pregnant women received obstetric services (South County Community Health Center) because of the Foundation's grants.

In 2020, COVID-19 was a key area of focus, and through a special funding campaign, the Foundation was able to assist in pandemic relief efforts by providing grants to 35 non-profit organizations serving the healthcare community. The programs focused on three key areas of support for medical professionals in their fight against the impact of COVID-19: telehealth, caregiver counseling, and personal protective equipment (PPE).

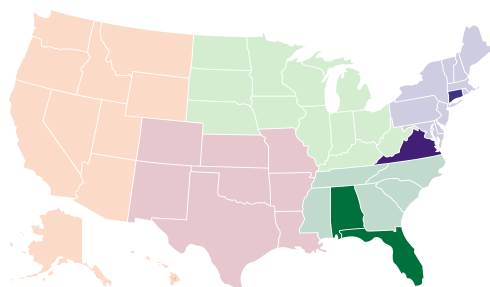
The Foundation's work is commendable in its breadth of scope and impact to local communities. With the acquisition of NORCAL Group, ProAssurance looks forward to continuing to support local communities on behalf of NORCAL.

#### About The Comments Section

The Comments Section is a recurring feature that focuses on an industry article in line with the monthly theme. ProAssurance thought leaders offer insights on the article and how the topic relates to our industry.

# MPL State News

The last hard market ended after claim frequency fell sharply in 2004/05. While MPL claim frequency remained flat, claim severity has been steadily ticking up, which compounds over time. In recent years, large jury verdicts have widely been seen as the primary driver of increasing claim severity. Below are examples of recent verdicts which help to illustrate current claim severity trends.



## ALABAMA

**Alabama Project Tests Drones for Rural Healthcare Delivery**—Researchers at the University of Alabama in Huntsville (UAH) said a recent simulation test has proven the value of drones in delivering critical medications and other supplies to rural residents. The UAH team, comprised of members from the College of Nursing and the UAH Rotorcraft Systems Engineering and Simulation Center Unmanned Aircraft Systems Program, created a scenario in which a rural hospital receives a pregnant woman at risk for preterm labor. Nurses at the hospital perform a focused preterm labor assessment and receive a prescription for fetal fibronectine (fFN) and betamethasone—but neither are available at the hospital or anyplace nearby. An urban clinic or hospital uses the drone to send the medicine and an fFN testing kit to the hospital. The nurses use that kit to perform a test, then send the results back to the urban location via the drone. The project is the latest of several conducted by UAH that focuses on using drones for healthcare services, and one of several healthcare organizations around the country that are testing or using drones in both urban and rural areas. (HealthLeaders)

## FLORIDA

**The Florida Health Care Associations (FHCA) Hails Passage of COVID-19 Liability Protections**—“FHCA is grateful to Senate President Wilton Simpson, Senators Kathleen Passidomo and Danny Burgess, along with House Speaker Chris Sprowls and Representatives Paul Renner and Colleen Burton for making COVID-19 liability measures a priority again this year. The protections provided by SB 7014 are critical for our state’s nursing centers and assisted living facilities, ensuring that our long term care workers can remain safe from sue and settle lawsuit tactics while continuing to serve in a challenging pandemic environment,” said FHCA CEO Emmett Reed. “We appreciate that our lawmakers recognize the importance of being protected while working during this difficult time. COVID-19 continues to wreak havoc on nursing centers and our heroic caregivers, as pandemic burnout has worsened an already challenged workforce. These liability protections reinforce support from our Legislature and ensure that Florida’s long term care centers have the resources needed to continue providing high-quality care to Florida’s most vulnerable population.” (State of Reform)

## CONNECTICUT

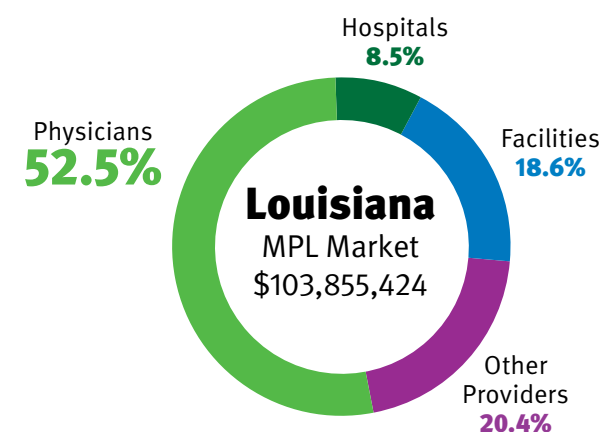
**UConn Health Center Seeks \$50 Million Bailout from State, including \$20 Million for a Medical Malpractice Fund**—State lawmakers debated Tuesday over providing an additional \$50 million for the struggling UConn Health Center, which has generated deficits on a consistent basis in the past. Gov. Ned Lamont is calling for an additional \$30.5 million for operating expenses for the health center, mainly to fund the fringe benefits for state employees that are far beyond other competing hospitals. “Primarily due to the state’s legacy unfunded pension and health care liabilities, these costs have been increasing at alarming and unsustainable rates,” said Dr. Bruce Liang, the center’s interim chief executive officer. “In fact, the state’s fringe benefit rates are over 70% versus an average of approximately 26% compared to other area hospitals, with the majority of the difference being attributable to these unfunded legacy costs. These are costs we can no longer cover for the state,” Liang said. (Hartford Courant)

## VIRGINIA

**Doctor Cleared of Malpractice in 2015 Delivery**—A Winchester Circuit Court jury on Friday sided with a doctor accused in a malpractice lawsuit of damaging a baby’s eye during a forceps delivery in 2015. The original lawsuit filed in 2019 sought \$3 million and also accused Dr. George F. Craft II— an obstetrician and gynecologist who was working for Winchester Women’s Specialists P.C. when he delivered the baby at Winchester Medical Center— of failing to provide informed consent. It alleged he hadn’t properly informed plaintiff Melissa Clements about the risks of using forceps and about alternative deliveries such as a Cesarean section. The four-woman, three-man jury deliberated about 50 minutes in the \$1.2 million lawsuit before finding Craft not liable for medical negligence in the birth of Clements’ son. The now-6-year-old boy sustained facial bone fractures and left eye damage during the approximately 30-minute delivery in 2015. (Winchester Star)

## MPL State Profile Louisiana

- 24** Rank in MPL Market
- 14** ProAssurance Rank
- 17** NORCAL Rank
- 8** ProAssurance Post-Merger Rank



## Tort Laws

- **Limits on damages for pain and suffering:** \$100k non-economic damage cap per provider, \$500k cap on total damages (difference plus future medical costs paid by PCF)
  - › Effective 1991 (40:1299.42)
- **Limits on contingent attorney fees:** none
- **Reform of collateral source rule:** none
- **Periodic payment of future damages:** future medical costs by PCF paid as incurred
  - Effective 1990 (40:1299.43)
- **Statute of limitations:** 1 year or 1 year from discovery, 3 year maximum
  - Upheld (9:5628)

## Prejudgment Interest

- **Tort action rate:** The legal rate established in La. R.S. § 13:4202(B)
- **Accrual date:** The date of judicial demand. The form of an offer of judgment can impact the recovery of interest.

## Rate Changes Effective 4/1/2022

In keeping with our commitment to apprise you of developments within your market, we would like to share with you our recently updated rate strategy. Upon recent review of our rate plan and rating factors, it was determined that the following changes would be necessary for NORCAL insureds:

### MISSOURI

- A 7% base rate increase
- Moved Cape Girardeau and Jasper counties from Territory 1 to Territory 2
- Elimination of the group size discount
- An update to who is eligible for the part-time discount and the amount of discount available
- An update to the amount of discount available for new insureds
- No additional premium for entities/ organizations with shared limits
- A change in the premium for policies that include separate organization policy limits. The previous rate ranged from 5% to 30%, depending on group size. The new rate will be 15% of the underlying premium for 2-5 separate limit insureds named on the policy, 12% of the underlying premium for 6-9 separate limit insureds named on the policy, 9% of the underlying premium for 10-19 separate limit insureds named on the policy, 7% of the underlying premium for 20-49 separate limit insureds named on the policy, and 5% of the underlying premium for 50 or more separate limit insureds named on the policy.
- A premium charge of 30% for vicarious liability for each healthcare professional not individually insured on the policy
- Revised class codes and rate tables

### FLORIDA

- A 9% overall rate increase (specific accounts may experience a change different from the 9%)
- Moved Monroe County from Territory 1 to Territory 2
- Eliminated share limit entity charge
- Optional higher limits of coverage are available for additional premium for Information and Network Security Insurance. The optional higher limits of coverage replace the basic limits of coverage.

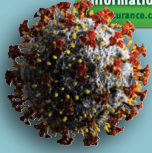
These changes, which have been filed and approved, go into effect April 1, 2022, and are applicable to new and renewal accounts. We will notify our affected policyholders of the change.





# provisions

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