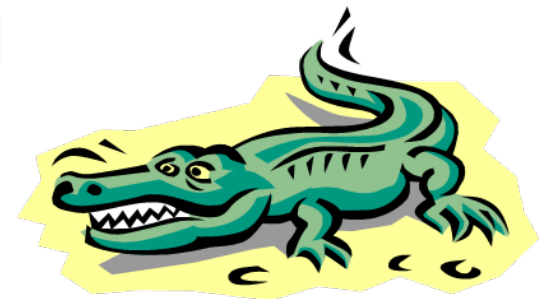




**University of Florida  
J. Hillis Miller Health Center  
Self-Insurance Program  
Jacksonville Campus**

**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;**

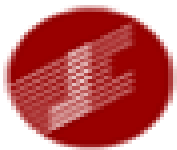
- 
- 6. Misdiagnosis of a patient's condition resulting in mortality or increased morbidity;**
  - 7. Injury/death to either child or mother during delivery;**
  - 8. Any birth of a term baby that is stillborn or expires shortly after delivery;**
  - 9. Any assertion by the patient/family that no consent 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 of 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



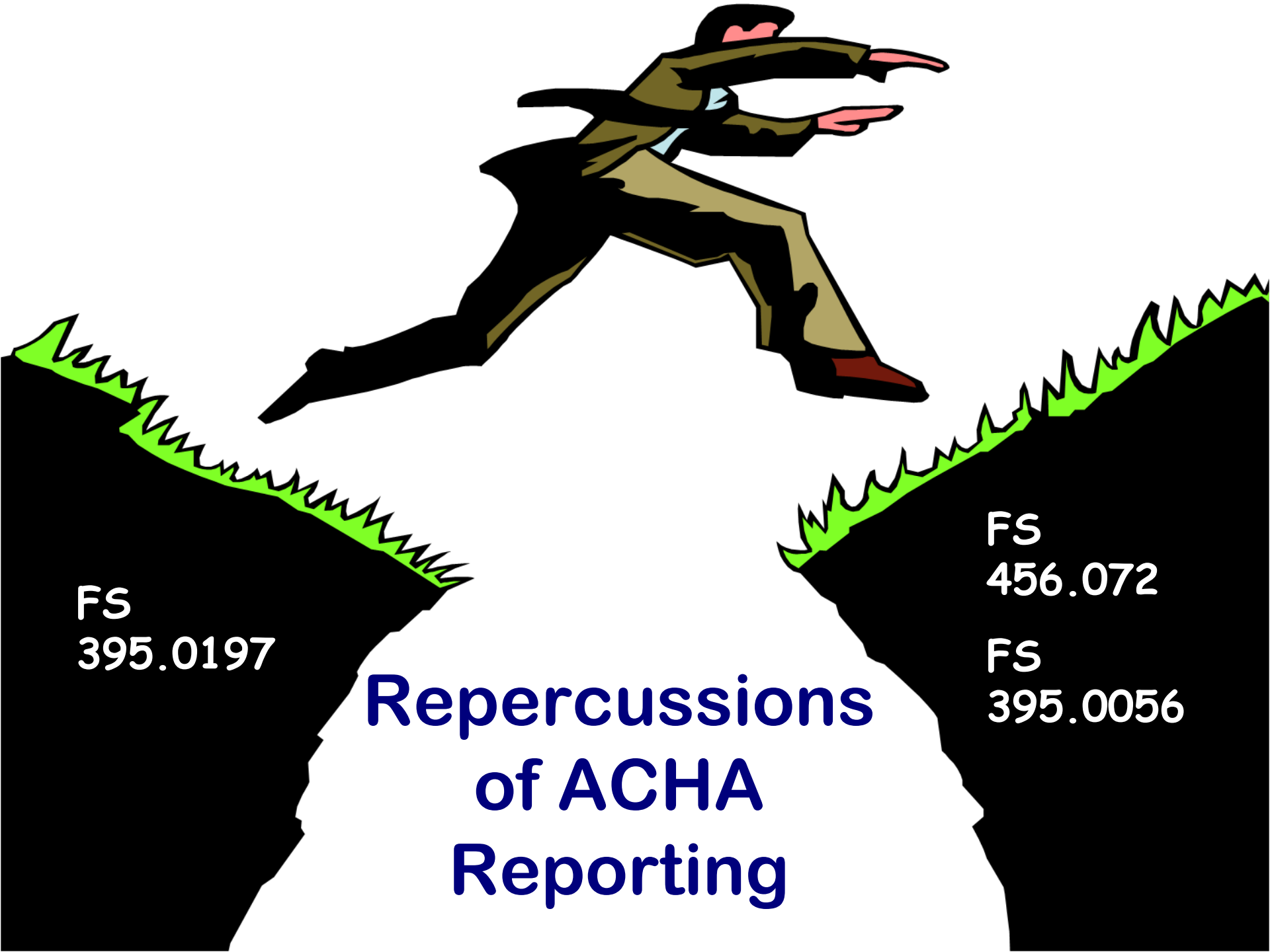
# **What To Do When You Observe Or Are Involved in a Serious Incident**

**1. Ensure Patient Safety**

**2. Notify the Attending**

**3. Call SIP – 244-9070. We have 24/7 Coverage**

**4. Notify Your Program Director**



FS  
395.0197

# Repercussions of ACHA Reporting

FS  
456.072

FS  
395.0056



JEB BUSH, GOVERNOR

JOHN O. AGWUNOBI, M.D., M.B.A., SECRETARY

PERSONAL AND CONFIDENTIAL

December 19, 2002

RE: DOH Case No.

Dear Dr.

This letter is notification that there is a pending investigation regarding your license to practice as a Medical Doctor in the State of Florida.

This investigation is based upon the enclosed document, which was determined to be legally sufficient for investigation pursuant to section 456.071, Florida Statutes. You are invited to submit a written response or you may call to schedule an interview within 45 days of receiving this letter. Your response will be made a part of the file and will be considered by the agency and the probable cause panel in determining whether a formal administrative complaint should be filed in this matter. In addition, for consideration by the probable cause panel, please provide a copy of your curriculum vitae and identify your specialty, if any. If you choose to send a response, please use the mailing address printed on the bottom of this letter and include the AHCA case number in any correspondence you may send concerning this matter.

At this stage, the investigation is confidential. This means that the contents of this investigation cannot be disclosed to you or the general public, nor can it be disclosed to the public the fact that the attached documentation was received, unless probable cause is found or you submit a written waiver of confidentiality. Please contact me upon receipt of this letter to determine the nature of your response to the allegations in this matter.

You are not required to answer any questions or give any statement and you have the right to be represented by counsel. It is not possible to estimate how long it will take to complete this investigation because the circumstances of each investigation differ.

Thank you for your cooperation and understanding in this matter. If you have any questions or wish to discuss this matter in greater detail, you may contact me at (904) 353-2100 ext. 197.

Sincerely,

Charles C. Coats, III  
O.M.C. Manager

Enclosures as stated



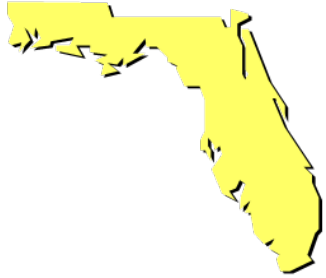
JACKSONVILLE INVESTIGATIVE SERVICES  
921 N DAVIS STREET, BLDG A, SUITE 145  
JACKSONVILLE, FL 32209

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



**Bottom line – ALWAYS  
TELL THE ATTENDING!**

- 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.



# **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](http://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**