

# ACOs May Heighten Your Medical Malpractice Exposure

Client: 9 Physician Clinic, Devanport IA

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## OVERVIEW:

Accountable care organizations (ACOs) are new to malpractice law. "They haven't been around long enough to have generated legal decisions yet," says Christopher E. DiGiacinto, an attorney and partner at Kaufman Borgeest & Ryan in Valhalla, New York medical liability defense firm.

## THE CHALLENGE

Keeping in mind that ACOs are in their infancy here's what experts advise providers to be mindful of:

- **Higher expectations.** In ACOs, doctors must draw up comprehensive and individualized care plans, documented and communicated to the patient in a "defined process".
- **More evidence for attorneys.** This includes individualized assessments and plans as well as assessments; and ACO materials, procedures, and protocols.
- **Focus on cost reduction could backfire.** Plaintiffs could cite ACOs' mandate to produce savings to demonstrate that they are cutting corners, an argument that might sway juries.
- **ACOs might be more easily sued.** lawsuits could be filed against ACOs themselves, in addition to the providers. Because ACOs provide care they do not enjoy legal protections that HMOs do.

**Reference:** Here is a reference to a recent post from Medscape

- [http://www.medscape.com/viewarticle/852200\\_4](http://www.medscape.com/viewarticle/852200_4)

## THE SOLUTION

RiskAssistMD offers a solution that is specific to the care under ACOs and even includes documentation that is specific to risk management under these circumstances. This simple solution is Based on a 2012 article published in JAMA that shows how to deal with the legal challenges of team care.

### The solution is also

- Easy to implement
- Inexpensive
- Automated

### The solution is centered on principles of

- PT Notification post appointments and hospitalizations
- PT acknowledgment of notification
- Clear and precise documentation

## THE RESULTS

The results of this simple solution are surprising.

- 20% patients comply within 2 weeks and 25% within 4
- Clinics see increased revenue
- A 100% cases are Risk documented
- Better outcomes

## HIGHLIGHTS

**While in their infancy ACOs may heighten medical malpractice exposure. The reasons stated are**

- Higher expectations of care
- Availability of more evidence to attorneys
- Cost reductions may be seen as cutting corners
- ACOs are seen as easier targets

### The RiskAssistMD solution

This solution is designed on the principles of communication, patient's acknowledgement of the communication, and documentation for the benefit of all parties.

### Clinic adoption

- 3 RiskAssistMD clinics have adopted this solution specifically directed at these plans
- Early results are encouraging and report
  - 20% patient compliance within the first 2 weeks and
  - 25% within the first four

### Customization

RiskAssistMD is able to customize these and other sections to accommodate clinic's special needs

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State-of-the-art and innovative healthcare technology that works. Making it easier for the clinics to deliver care, easier for the patients to receive it, and keeping it simple for everyone.

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