



The Liability Implications of Healthcare Reform



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The Liability Implications of Healthcare Reform

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- White Paper- Coming soon!
- Copy of these slides
- Recording of today's webinar





Today's Moderator

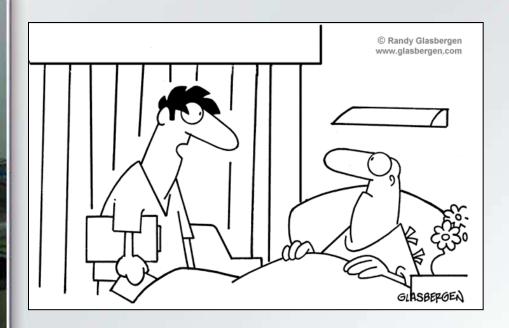


David Bradford- President, Research & Editorial Group, Advisen Ltd.





High Costs of Healthcare



"Your health insurance has limited surgical coverage, but you'd be amazed at what I can do with nail clippers and duct tape."

Today's Panelists



Kim Holmes, Vice President – Product Development, OneBeacon Professional Insurance



Beth Berger, Area Senior Vice President, Gallagher Healthcare





Today's Panelists



Kim Holmes, Vice President – Product Development, OneBeacon Professional Insurance

Kim Holmes is responsible for overseeing the OBPI Product Development process, including the design and delivery of new and revised products and coverage solutions as well as the development and oversight of consistent, efficient processes across each of OBPI's customer groups and industry segments. Kim provides technical guidance to each of OBPI's business divisions including Health Care, Professional Liability, Management Liability and Financial Services and in collaboration with division business leaders both plans and releases to market new and revised product launches.

Kim's extensive and diverse background in the industry includes tenure as the Deputy Worldwide Health Care Product Manager at Chubb Specialty Insurance from 2004-2014; Senior Claims Attorney at Chubb Specialty Insurance from 1999 to 2004, and prior to Chubb Kim was a litigation associate with the national labor & employment law firm of Jackson Lewis LLP. Kim is admitted to the Connecticut federal, state and Maine bars, and is a frequent speaker at regional and national industry conferences and training events.





Today's Panelists



Beth Berger, Area Senior Vice President, Gallagher Healthcare

Beth Berger is the National Director for Gallagher's Healthcare Practice. She joined AJG in 1997 and has focused primarily on Hospitals, Healthcare Facilities, Integrated Programs and Complex Risks. Ms. Berger has an extensive property and casualty background serving in various commercial lines, sales, service, consulting and marketing positions within Gallagher. As a healthcare industry specialist she works with Gallagher offices across the country on providing risk solutions for Integrated Healthcare Systems, Healthcare Providers, and Healthcare Associations.

Ms. Berger specializes in tailoring casualty programs which address each client's unique exposures and complex risks. Her 25+ year insurance background includes risk analysis, program design, marketing and account coordination of conventional as well as alternative risk finance products. She has achieved her Certified Insurance Counselor (CIC) and Registered Professional Liability Underwriter (RPLU) Designations. She is part of the Risk Services Committee for the National Renal Administrators Association GPO and is currently a member of the Healthcare Finance Management Association (HFMA), the American Society of Healthcare Risk Management (ASHRM), the American Academy of House Call Physicians and the National Association of Professional Women (NAPW). Ms. Berger was recently awarded the 2013/2014 Woman of the Year Award by the NAPW for her work in the insurance industry.





Can you outline some of the most significant changes now taking place in healthcare delivery in America, and explain what is motivating these changes?



Dave Bradford- Advisen Ltd.



Kim Holmes, Vice President – Product Development, OneBeacon Professional Insurance



Beth Berger, Area Senior Vice President, Gallagher Healthcare





Changes already underway even before passage of the Affordable Care Act...

- •Increasing hospital affiliations, joint venture agreements and M&A activity
- •Growth in allied health care sector
- Increasing trend of the "employed" physician
- •Heightened government oversight antitrust scrutiny & regulatory audits



Medicare ACOs seem to be succeeding in lowering costs. Can you explain how the model works and why it may be an effective way to both improve care and contain costs?



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What's an ACO?

According to CMS:

"Accountable Care Organizations (ACOs) are groups of doctors, hospitals, and other health care providers, who come together voluntarily to give coordinated high quality care to their Medicare patients. The goal of coordinated care is to ensure that patients, especially the chronically ill, get the right care at the right time, while avoiding unnecessary duplication of services and preventing medical errors. When an ACO succeeds both in both delivering high-quality care and spending health care dollars more wisely, it will **share in the savings** it achieves for the Medicare program."

- Types of ACOs:
- Medicare
 - Medicare Shared Savings Program (MSSP)
 - Advanced Payment Model
- Commercial Market (Private Insurers/Payors Health Systems)
- Pioneer ACO's



There was a surge in claims against MCOs in the 1990s asserting that they prioritized cost savings over quality care. Can we expect similar claims against ACOs?



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Does the rapid increase in the number of hospital-employed physicians create new challenges for hospital risk managers?



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How might the growing shortage of physicians impact ACO strategies and liability exposures?



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What liability risks may arise from new ACO payment models?



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What types of new liability exposures does a more expansive concept of a hospital pose?



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What are the benefits of EHRs? Do they create new liability risks?



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Under the HITECH Final Rule:

Business Associates (Third Party Vendors, Service Providers) who store, transmit, and essentially handle protected health information (PHI) in any way may now be held <u>directly liable</u> under the HITECH Act

BUT...

Covered Entities, regardless of agreements with Business Associates, <u>always remain liable</u> for a PHI breach



What are the risk management and insurance implications of consolidation within the healthcare sector?



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What are some of the risk management strategies used to address these liability issues?



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How are insurance products evolving to meet the changing exposures of healthcare organizations?



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Date: Tuesday, March 11, 2:00 PM PDT

http://events.Signup4.com/AdvisenCyberInsightsSanFran2014



Date: Thursday, March 27, 8:00 AM EDT

http://events.Signup4.com/AdvisenCasualtyInsights2014





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