

PRESERVE

PROGRAMSM

PHYSICIAN AND PATIENT
POST-INCIDENT PROGRAM

PHYSICIAN PARTICIPATION MANUAL

The Institute at **MagMutual**[®]

PROGRAM OVERVIEW

INTRODUCTION

The **PRESERVE ProgramSM** is an early intervention, patient-centered approach for addressing unexpected medical outcomes to preserve the physician-patient relationship and reimburse the patient for related medical expenses. A determination of negligence is not part of the program process. Detailed review of records and the use of experts to determine whether or not negligence occurred are not performed in this program.

The PRESERVE Program has two components:

1. A physician-patient interaction process triggered by a qualifying incident report and facilitated by The Institute at MagMutual staff.
2. The reimbursement component, which is separate from your medical professional liability coverage. Funds are made available to reimburse the patient, subject to the following limits:
 - Recognition of additional recovery time at \$100 per day for up to 50 days
 - Reimbursement up to \$25,000 of medical expenses not covered by patient insurance
 - Overall reimbursement capped at \$30,000 per incident

PRESERVE PROGRAM GOALS

- Maintain the physician-patient relationship
- Encourage open and honest communication, including disclosure of unexpected outcomes
- Encourage expressions of concern, including an apology where appropriate
- Address patients' needs at a crucial time

The PRESERVE Program is part of MagMutual's continuing quest to improve quality of care and to address the needs of patients who have experienced an unexpected medical outcome during the course of medical care. However, it is NOT a goal of the program to interfere with any litigation or third-party claim process. Enrollment and participation in the PRESERVE Program is voluntary.

EXCLUSIONS

(INCIDENT TYPES INELIGIBLE FOR PRESERVE)

- Patient death
- Attorney involvement
- Request for action from state licensing board
- Summons and complaint
- Written demand for compensation

MAGMUTUAL'S RESPONSIBILITIES

- Determine whether an incident possesses the qualities necessary to trigger the PRESERVE Program
- Contact you to discuss the incident and determine eligibility for the program
- Coach and help prepare you for interactions with the patient
- Explain program benefits to the patient and provide them with program literature
- Determine which of the patient's expenses are eligible for reimbursement
- Coordinate the reimbursement of the patient's eligible expenses
- Communicate in a timely fashion with all parties and facilitate, to the extent possible, a satisfactory resolution for all involved
- Work with you to determine what changes, if any, may help reduce the likelihood of the same outcome with future patients

PHYSICIAN'S RESPONSIBILITIES

- Call in and report incidents to one of our PRESERVE Program Administrators when an unexpected outcome occurs
- Identify yourself as a PRESERVE Program enrollee or potential enrollee
- Be prepared to discuss the case or leave a number where you can be reached
- Provide MagMutual with information as requested
- Maintain the physician-patient relationship if possible; this means continued open and honest communication with the patient
- Be committed to working with MagMutual to identify and implement any necessary changes to reduce the likelihood of the same type of incident from happening to another patient
- Be willing to participate in MagMutual's educational seminars, such as, "Disclosing Unanticipated Outcomes to Patients," and the "PRESERVE Program Workshop"

KEY PROGRAM POINTS FOR THE PHYSICIAN

- Do not tell patients about the PRESERVE Program before discussing the incident with a PRESERVE Program Administrator
- Do not make "promises" on MagMutual's behalf with regard to reimbursements, when we will call, etc.
- In communicating with patients about the PRESERVE Program:
 - The physician must speak directly to the patient; do not delegate this responsibility
 - Do not leave a voice message
 - Do not send a letter
 - Do not leave a message with a family member/ significant other

THE PHYSICIAN-PATIENT INTERACTION

It's easy to see that honest, open communication and a commitment to correction are at the core of patients' expectations following an unexpected medical outcome.

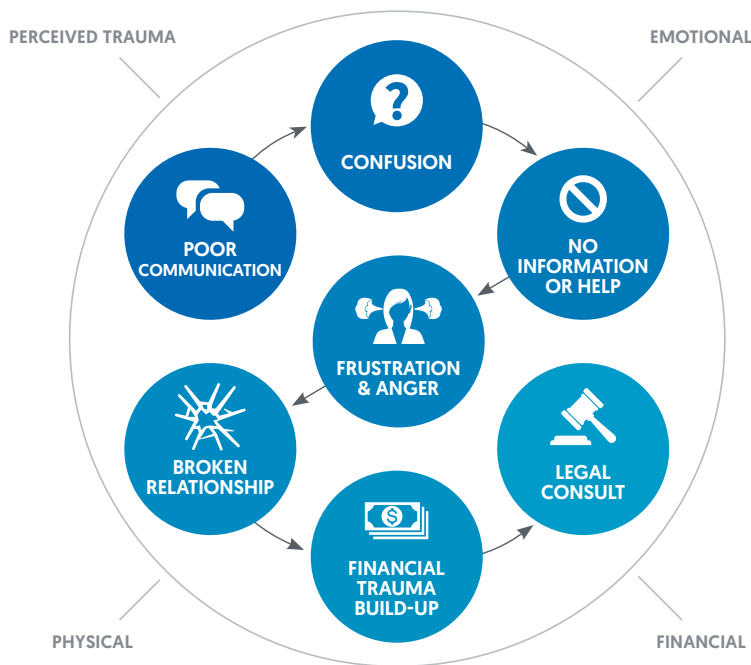
The more that your actions conform to these expectations, the more satisfied the patient will be, and the less likely he or she will search for another physician or file a claim or lawsuit. Conversely, the more your actions diverge from patient expectations, the greater the endangerment to the physician-patient relationship.

MagMutual has learned that early and honest interaction with patients who experience unexpected medical outcomes or complications relieves much of the anger and frustration that result in claims and suits.

Anytime that you make an incident report that qualifies for the PRESERVE Program, an Administrator will discuss how to approach the patient and offer coaching on this interaction.

In communicating with patients, the physician's role is to:

- Explain the unexpected outcome
- Express concern, sympathy, empathy, and, where appropriate, apologize
- Outline expected short- and long-term effects
- Explain any additional treatment or rehab that may be required
- Answer any related questions the patient may have
- If applicable, explain the steps you will take in your practice to reduce the future likelihood of the unexpected outcome



This interaction is not intended as a confession or admission of error on your part. Its purpose is to use open, honest communication to address the unexpected outcome and answer the patient's questions about his or her medical condition.

PHYSICIAN AGREEMENT & ENROLLMENT FORM

Please email completed form to: Questions@magmutual.com

You have agreed to participate in a program with MagMutual called the "PRESERVE ProgramSM – A MagMutual Insurance Company Physician and Patient Post-Incident Program" covering medical complications and/or unexpected medical outcomes. This program is described in more detail in the PRESERVE Participation Manual.

The early intervention feature of this program (in the first 48-72 hours) is designed to explain an unexpected outcome or complication to your patient; expedite recovery; and provide possible reimbursement for certain out-of-pocket expenses incurred by your patient as a result of the complication, without the determination of negligence.

Under this program, MagMutual may reimburse patients for related out-of-pocket medical expenses because of an unexpected outcome or complication. MagMutual may also recognize a patient for additional recovery time. In addition, it is important for you to realize that these monies will be reimbursed only after all other applicable private, self-funded, or governmental health plans have paid their full obligations to the patient. In short, MagMutual will only reimburse amounts in excess of payments made, or to be made, by the patient's existing medical coverage.

MagMutual agrees to provide an administrator to work with you and the patient to:

- Provide training and instruction
- Aid in physician-patient communication as necessary
- Provide information and/or advice periodically on the program via the PRESERVE Program Newsletter
- Maintain contact with you and the patient, as needed
- Provide timely reimbursement to the patient
- Provide notification of case closure

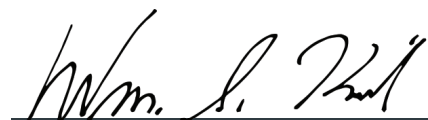
FOR MAGMUTUAL USE ONLY	
EFFECTIVE DATE OF COVERAGE:	_____
POLICY NUMBER:	_____

Your obligations and duties involve:

- Immediately notifying MagMutual of unexpected medical outcomes (incidents are to be reported within 24-48 hours of recognition)
- Communicating with the patient about the medical situation, follow-up, etc.
- A face-to-face meeting with the patient is encouraged
- Reviewing additional treatment needs and options with all involved parties
- Remaining involved and in communication with your patient and MagMutual during this process
- Personally discussing the availability of this program with the patient (ONLY after discussion with MagMutual)
- Contacting the Administrator for case updates, as desired

We would like your complete cooperation and feedback so that we can make this program effective and increase both patient and physician satisfaction. Please complete the feedback survey you will receive upon case closure.

The Physician Participation Manual contains detailed information on the PRESERVE Program. We ask that you call us if you need additional information. Let's continue to strive to give the best care possible to our patients.



William S. Kanich, M.D. Chief Medical Officer

Name of Physician (please PRINT)

Physician Signature Date

Name of MagMutual Policyholder

FAQs ABOUT THE PRESERVE PROGRAM: FOR THE PHYSICIAN

What types of incidents should I report to my PRESERVE Program Administrator?

The reporting guidelines for the PRESERVE Program are the same as reporting incidents related to your medical professional liability insurance coverage with MagMutual, however, all incidents should now be reported to your PRESERVE Program Administrator.

When should I should call my PRESERVE Program Administrator?

Anytime that a patient experiences a significant unexpected outcome, regardless of the economic potential, or his or her insurance status. Anytime that a patient or a patient's family expresses extreme anger or dissatisfaction.

As a PRESERVE Program enrollee, you will continue to report incidents promptly, just as you always have.

The initial physician-patient interaction following an unexpected outcome is crucial to the success of this intervention. The PRESERVE Program Administrator is available to coach and support the physician through this process. You may consider making changes to your practice so that the unexpected outcome or complication will be less likely to occur again.

How do I get in touch with my PRESERVE Program Administrator?

CONTACT **Risk Manager Consultant**
1-800-294-1735
preserveprogram@magmutual.com

ADDRESS 3535 Piedmont Rd NE, Building 14-1000
Atlanta, GA 30305

Are reimbursements under this program reportable to the state licensing board and/or the National Practitioners Data Bank (NPDB)?

No. The reimbursements do not constitute a final settlement, and because no waiver or final release is required of the patient, reimbursements are exempt from reporting to the state licensing board. Because there is no attorney representing the patient and because no written claim or demand is presented, reimbursements are exempt from reporting to the NPDB.

Can a patient who receives reimbursement through this program still take legal action?

Yes. Nothing in this program prevents a patient from taking legal action. The patient retains, at all times, his or her right to bring a liability claim or suit. Nothing will be asked of the patient – no releases, no waivers, no verbal promises not to bring suit, etc.

If a claim or suit does arise in respect to a patient who is currently receiving or has received reimbursements through this program, it will be handled like any other claim and will be subject to normal state licensing board and NPDB reporting requirements depending on its outcome. If the PRESERVE Program file is open when legal action is initiated, the patient will no longer be eligible for benefits through the PRESERVE Program.

How can a physician join the PRESERVE Program?

A Physician Agreement/Enrollment Form should be completed before an incident can be considered for PRESERVE Program assistance. A form and instructions are included in this manual.

If you are unsure if you are enrolled, please call The Institute at MagMutual at 404-842-5600 or 800-282-4882.

For nearly four decades, MagMutual has served as a trusted advisor and strategic ally to more than 22,000 physicians and healthcare organizations.

As a leading provider of medical professional liability insurance, our comprehensive coverage along with our exceptional service, extensive support and financial benefits provide our PolicyOwnersSM with unprecedented value and a uniquely personal experience.

