

New York State Patient Safety & Medical Liability Reform Project

NYS Department of Health

Janet Cohn, JD

Susan Senecal, RN MBA

NYS Unified Court System

Judge Judy Harris Kluger

Beth Israel Medical Center

Maimonides Medical Center

Montefiore Medical Center

Mount Sinai Medical Center

New York-Presbyterian

Harvard School of Public Health

Michelle Mello, JD, PhD

University of Michigan Health System

Richard Boothman, JD

Funded by the Agency for Healthcare Research and Quality (AHRQ)



NYS Program Elements

1. Patient Safety Initiatives

prevent...

2. Communication and Resolution Program (CRP)

resolve...

3. Judge-Directed Negotiation

and when all else fails...

What's different about New York City?

- No meaningful tort reform
- Cut-throat legal environment
- Possibility of huge verdicts
- Hospitals at risk
- Payer mix
- Soaring premiums
- Large complex delivery systems

CRP Critical Elements

ON PAPER



IN HOSPITAL

- Improvements in culture of safety
- Increase reporting
- Standardize prompt response
- Engage patient and family in ongoing relationship
- Do what is needed to provide for needs of family and patient
- Share lessons learned within department

Implementation Challenges

- **FEAR**

- On the part of **hospitals**: *can we trust the State?*
- On the part of **providers**: *mandatory reporting*
- On the part of **insurers**: *claims will come out of the woodwork...*

- **The Old Risk Management**

New infrastructures must be developed,
bringing risk and clinicians together.

More Implementation Challenges

- The View From the Top
- Can one size fit all? 5 different hospitals
- Agreeing on terms
 - Serious harm: what is it *and from whose perspective?*
 - What about **known complications?**
 - If you discussed it as part of Informed Consent, is that enough?

What we've Learned So Far

- This is a battle for hearts and minds.
- Support the **champions**.
- Hold your breath and jump in.
- It's not a magic pill. It's slow. It takes work.

***Pip tears down the curtains –
and Estelle sees the light***

