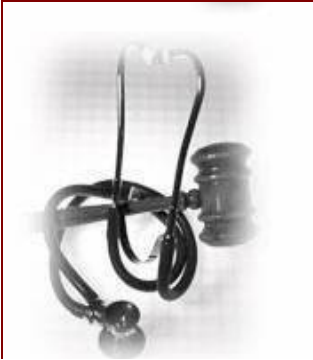


## Medico-forensis Consilium



### Editor's Corner

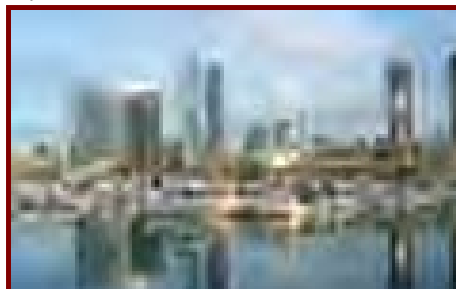
The holidays are over and so is football season. But spring is in the air and many of you are counting the days for summer. Specially those of us who had to endure an "Arctic-like winter". Chances are, that by now you are beyond cabin fever and looking forward to a fun-filled spring with family, friends, etc. given the harsh winter some of us had, as I said.

Sure thing too, by now, most of our New Year's Resolutions have fallen on the wayside. All, except one, some may say.

The exception...attending our annual conference. Not attending The XXXVIIth annual AAPA conference in Sand Diego, CA would be sacrilegious for many of us.

In some respects, like the Muslim pilgrims convening annually in the city of Mecca. An event of special significance to their faith. Likewise, our annual conference holds that special significance for PAs all across the country.

It's that event that we all hold dearly & very close to our hearts. Our chosen "Mecca" this year will be San Diego. This host city has been and will continue to be a favored destination for convention goers for years to come. And rightfully so, all one has to do is to look at the myriad of reasons it offers to its visitors.



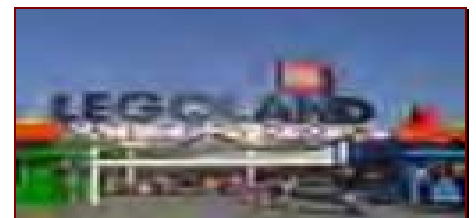
As you know San Diego is one of our most vibrant cities in our country. Plus, many attractions abound for all ages and varied interests as well. As the backdrop for our national meeting, the number of indoor/outdoor activities are numerous. Among the fifty-wide city spread attractions, you can enjoy the following:

The Sand Diego Zoo... The historic and eclectic Gaslamp district...The San Diego Aircraft Museum...The Beaches along with the Bay Boat tours, etc. Let's not forget Lego-land or the world renowned Sea World Aquarium ( any child's favorite).

So, if you're still holding onto your New Year's writing resolution, go ahead and share with your peers the great time you had while attending the conference by submitting your onsite thoughts, essays, or comments and/or editorials...even pictures-- go ahead, make an "Impact".

*Marcos A. Vargas, MSA, PA-C*

*MFC Editor & Publisher*



#### Inside this issue:

Editor's Corner...	1
AAPA-LM Members ....	2
Engaging the "PA-C"...	3
AAPA-LM Members...	3
Sorry Works Ad...	4
Why do patients sue? ...	4

#### Board of Directors

2008-09

- ◆ Jeff Nicholson, PA-C  
President
- ◆ James Hull, PA-C  
Past President
- ◆ Bob Potter, PA-C  
Vice President
- ◆ James Cary, PA-C  
Treasurer/ Secretary
- ◆ Roy Cary, PA-C  
Board Member @Large

## PAAV Conference Pictures



Roy "Monty" Cary, PA-C, preparing for his lecture.



Roy "Monty" Cary, PA-C, delivering an important point during one of his presentations @ the conference.



Cary Stratford, PA-C and John Bond, PA-C, PAAV's President in front row form L to R. Both engaged attentively to Monty's remarks during their sessions.

## AAPA-LM Members (Chapter Conference Speakers)

This pair have been known to mesmerize their conference audiences, yet by trade they are not magicians. They are speakers; two of our very own: Roy "Monty" Cary, M.Ed. PA-C, & James L. Cary, M.H.A., PA-C.

Both, are DFAAPA & AAPA-LM members and recently invited speakers of The Physician Assistant Academy of Vermont (PAAV) to present @ their XXVIIIth Annual Winter Conference @ the Equinox and Spa in Manchester Vermont this past Jan 7<sup>th</sup> to the 11<sup>th</sup> of this year. They are also senior partners in Cary & Associates, LLC. And more importantly, two of the original four co-founders of AAPA-LM for those who did not know.

As expected, they spoke on Medical Malpractice issues & Risk Management Preventive techniques. Their presented sessions were well received by the PAAV staff, officers & conference attendees.

"This is an important topic and they did a fantastic presentation—we're going to do this again" said a PAAV staff member.

Other favorable responses were provided by Cary Stratford, CME Chair of PAAV & former CME Chair of AAPA who strongly encouraged other AAPA State Chapters to consider sponsoring more of these.

Other reassuring signs of the receptivity by all involved, were best summed up by Monty's own observation. "Our case presentations definitely spurred the audience's participation; which needless to say, we always welcome".

He further remarked that they were two other factors indicative of a successful lecture: 1) the is audience participative, 2) most attendees stay after lecture completion to delve more into the subject for more information. As evidenced when most participants remained 25 minutes past the slotted time to pose their very own specific and personal questions to both of them.

Naturally, most of them pertained to their very own particular high-risk personal situations and specific day-to-day liability exposures when providing care-giving services to their patients.



Roy "Monty" Cary, PA-C, speaking to a full room were 120 PAs & NPs convened for the annual conference sponsored by the Physician Assistant Academy of Vermont ( PAAV).

They both spoke on Jan 10<sup>th</sup>, during their 1st half-hour & quickly introduced themselves and their backgrounds. Shortly after, Mr. Jim Cary began his presentation with a potpourri of "Case Studies", all real case situations involving actual PAs. This was a large collection of cases illustrating various applicable Risk Management tools and principles, culled through the years when he served as a reviewer for the state of Florida.

Equal to the task was Mr. Roy Cary's with his very own collection of interesting cases culled from his own experience and from The National Practitioner Data Bank(NPDB).

His presentation was entitled: "The Good, The Bad, and The Ugly which was slotted for 2 hours ( 13:30-15:30 ). However, due to the great interest, it ran into 16:10, way beyond its allocated time.

It was very obvious that both presenters were very well received among the slate of other great topics and invited speakers. Both sessions ran beyond their slotted times including the Q & A sessions too.

According to James Cary, MHA, PA-C, the most common query posed to him by the attendees was, should PAs have their own separate malpractice policy besides the one provided by their employers.

## Engaging the “PA-C” Within You



I truly believe that every PA is a leader and that we all have a responsibility to develop, to nurture and to refine that leadership calling bestowed on us.

Therefore, that means that each and one of us, regardless of the specialty we practice, regardless the years of experience, or whether we are in academia or the managerial ranks, we all have the same call. The one to embrace & engage the “PA-C” within ourselves.

What that means is this, to allow our “*proactive agent of change*” (“PA-C”) within each and one of us to exert its leadership & influences on others, while implementing positive changes all around us. Amongst these areas needing our engaged pro-active efforts, one can find the following:

- Healthcare Reform
- PA Legislation / Education
- Tort Reform

But besides those, there are a few causes that may also need championing for. And one of those causes is much closer to home that one would expect. That is AAPA-LM’s dwindling membership numbers. More than ever before, we may need to boost our recruiting and retention initiatives. A few years ago, many members came excited and joined us. And, as in any growing group, didn’t have the patience nor the foresight to see ourselves evolve & grow during our formative years—which we are still going through for all practical purposes.

So as you can imagine, and most recently, we have lost a few of them along the way. Therefore, for this very same reason, I am asking you on my behalf and the BODs to become AAPA-LM’s “recruiting/retention specialist”. Particularly, during the upcoming national AAPA convention in San Diego.

So will you join AAPA-LM’s Board of Directors and will you become that “proactive agent of change” that we so need to continue growing as a professional specialty caucus. If we are to continue our group fellowship growth and maturation, then we need the leader in you!

## AAPA-LM Members Speak @ Chapter Conference

The answer that the PA Legal Medicine team provided to the participating audience member was a resounding **yes** in all circumstances involving potential liability allegations.

They also recommended for PAs to contact the AAPA Insurance Information Services for further advisory suggestions based on their respective professional needs an unique set of potential liabilities.

They also had ample time to enjoy and informally network with other attendees during the conference reception. This event was sponsored at the Orvis Flagship store (see pictures below). At the conclusion of the legal medicine lectures the participants continued to inquire and discuss issues presented earlier. Jim and Monty couldn’t help themselves realize how unique this event was and unlike any other receptions in which they both have attended during their travels across the US.

They also, commended the PAAV CME chairing committee for their gracious hospitality and preparation. But more so, for the very hard work required for such an event of this type.







## Successful Implementation of Disclosure & Apology Strategies in the Clinical Setting to be explored in Upcoming Audio-conference

The value of enterprise Disclosure and Apology programs in the healthcare industry are becoming the norm in the midst of the currently charged prospects of Healthcare Tort Reform in the US.

Ever since the Landmark study by the IOM "To Err is Human..." in 1998 along with the growing Patient Safety Movement, many stakeholders are demanding much more than safety. They are also demanding clinical accountability of adverse clinical outcomes. And while modest advances in patient safety models have been made, adverse healthcare events continue to be the leading cause of death and disability in The US.

So, if you are seeking to learn more about this growing trend in our industry, you must avail yourself of this all important audio conference sponsored by The Sorry Works! Coalition, The Stevens & Lee law firm, both are teaming up on a must-hear, not to mention one-of-a-kind ( cutting-edge ) audio-conference event to be held on Thursday, Apr. 9, 2009 from:

- ◆ 1:00-2:15 p.m. EST
- ◆ 12:00-1:15 p.m. CST
- ◆ 11:00-12:15 p.m. MST
- ◆ 10:00-11:15p.m. PST

**Program Title:** Disclosure and Apology: Implementation and Training at The University of Illinois Medical Center. In this, you can't miss conference you will be provided with an introductory and advanced real-world level information regarding the promising disclosure and apology program success stories as lived & experienced by the medical staff of the University of Illinois Medical Center at Chicago ( UIC) when faced with potential perilous clinical outcomes.

The presenters are well known authorities in their respective fields and so are the moderators.

This educational activity has been recognized for CMEs by the respective accrediting agencies. For more information on this audio-conference visit this website: <http://www.sorryworks.net/>

The nation's leading advocacy organization for medical misadventures disclosures and apologies when warranted appropriately.

**AAPALM**



## Why do Patients sue? Are you working against yourself?

Hardly a day goes by without one reading about a "jackpot mega verdict" awarded due to a medical misadventure. But compounded more so by the provider's insensitivity or lack of empathy in the eyes of the court. And yet, despite the overwhelming body of evidence revealing the reasons why medical professionals get sued, many still don't seem to understand the root of the problem. Namely, themselves. How is that you may ask?

Simply, by lack of bedside manners. As paradoxically this may seem, many healthcare providers alienate patients with lack of empathy & poor intercommunication skills. Coupled with an adverse event or a compensable injury and presto you may find yourself as a defendant in court.

While many do not deliberately engage in these practice styles, unknowingly some do & for a myriad of reasons. Here are some specific examples:

- ☛ Treating the patient rudely or impatiently during the clinical encounter. Avoiding eye contact & or making the patient feel as he or she is a "nuisance".
- ☛ Being unavailable or too "busy" to address patient's or family members concerns. For example, not providing informed consent when required for a procedure.
- ☛ Disregarding the patient's concerns by not actively listening during the encounter(s). Acting as if they were God; knowing it all. Remember you are not infallible and perpetuating "Paternalistic medicine" is out!!

It is apparent that these "non-communicative" practice styles do not bode well with patients, nor with jurors either. As strange as it may sounds, study after study have shown that the best protection against alleged liability is good patient-provider rapport.

Avoiding these uncaring or unsympathetic styles will not only help develop good rapport, but stave off potential claims against you. Again, patients are highly critical of their provider's social skills, and in many instances more so than their clinical skills. And even though if an adverse outcome were to result, most patients would be willing to forego litigation if the provider acted caringly and/or compassionately during the incident while remaining "available" and forthcoming with open communications.

Remember, God does not work against himself.