



Risk Management Update

for Physicians, Nurse Practitioners, and Other Healthcare Professionals

DECEMBER 6-7, 2019 • BOSTON, MA

FRIDAY, DECEMBER 6, 2019
Liability Prevention for Physicians, Nurse Practitioners, and Other Healthcare Professionals

- Preventing malpractice suits
- Malpractice “hot spots” in 2019
- Burnout
- Email communication risks
- Electronic medical record risks
- Telemedicine Risks
- Opioid crisis effects on prescribers
- State Licensing Board risks
- Documentation and informed consent
- Prescription Monitoring Program
- Strategies for communication, apology, and resolution
- Curbside Consultations
- Supervisor liability for trainees
- Plaintiff and defense attorney’s tips

Register Early!
THIS COURSE HAS SOLD OUT IN PREVIOUS YEARS.

The Harvard Medical School Risk Management Update

Earn up to 14.0 *AMA PRA Category 1 Credits*TM or 14.0 Continuing Education Credits **And** at the same time earn up to 14.0 Risk Management Credits

SATURDAY, DECEMBER 7, 2019
Physicians, Nurse Practitioners, and Other Healthcare Professionals In Court: A Survival Guide

- Strategies if sued
- Deposition tactics & tips
- Testifying in court
- Witness stand perils
- Witness stand opportunities
- Expert witness testimony
- Malpractice insurance coverage
- Role of a personal attorney
- Positively influencing the jury
- Courtroom survival
- Plaintiff and defense attorneys’ tips
- Mock trial demonstration
- Judge’s comments



The Harvard Medical School Risk Management Update

Liability Prevention for Physicians, Nurse Practitioners, and Other Healthcare Professionals

FRIDAY, DECEMBER 6, 2019

This course focuses on the major risk management areas and legal pitfalls encountered in current everyday clinical practices and on enduring principles and practices for managing these risks. The course teaches risk management principles and current developments in liability prevention. The course reviews the latest liability prevention data and its implications for clinical practice as well as solution strategies for health care professionals. Current concepts in malpractice prevention and “hot spots” in risk management are emphasized including the best ways to diminish risks associated with documentation and informed consent. Clinician “burnout” and how it affects clinical practice will be discussed as well as how “burnout” increases malpractice and licensing board risks. The course will instruct about the risks incurred from the use of the electronic medical record, increased use of email communications, telemedicine and their implications for practitioners. Particular emphasis will be given to the increasing role of telemedicine in clinical practice and the liability risks associated with its practice. Issues facing clinicians regarding the opioid crisis under both State and Federal Laws will be discussed. Risks associated with “curbside” consultation and supervision of trainees will be highlighted. Risks other than malpractice, such as State Medical Licensing Boards will be emphasized and legal responsibilities regarding the new Prescription Monitoring Program will be explained. Strategies for communication when adverse events occur and the merits of a communication, apology and resolution approach will be reviewed. Distinctive features of this course include vantage points of practicing clinicians, insurers, and plaintiff and defense attorneys. The format incorporates time for lecture, panel discussions and Q & A with the faculty.

This course is specifically designed for Physicians, Nurse Practitioners, Physician Assistants, Psychologists and Risk Managers and will be of paramount usefulness for them.

LEARNING OBJECTIVES

This course is designed so that participants will be able to:

- Describe the essentials of risk management in medical, surgical and psychiatric practices;
- Diagnose clinician burnout and how it negatively affects clinical practice;
- Outline risk of telemedicine, email communications, and electronic medical record;
- Document with diminished liability risks;
- Review risk data from the malpractice insurer;
- Assess the implications of evolving law related to the opioid crisis;
- Describe risks related to your licensing board;
- Discuss liability issues pertaining to the prescription monitoring program;
- Review strategies for improved communication when things go wrong;
- Assess risks in supervising trainees;
- Discuss strategic tips about liability protection from both plaintiff’s attorney and defense attorney and practicing clinician;
- Explain informed consent as a process rather than a signed form;
- Distinguish between curbside vs. formal consultation and understand their benefits and risks.

Physicians, Nurse Practitioners, and Other Healthcare Professionals in Court: A Survival Guide

SATURDAY, DECEMBER 7, 2019

It is increasingly common for a practicing clinician to be deposed or appear in the courtroom in one capacity or another. This often engenders anxiety and uncertainty, especially in the role of the defendant. This course teaches the clinician the tactics and tips to be most successful while giving a deposition or being on the witness stand. Benefits of having a personal attorney are explained. Instruction is also provided regarding amount and type of insurance coverage. Clinicians participating in this program learn how to effectively and positively influence the jury.

This course also enables the clinician to benefit from suggestions and recommendations offered by plaintiff and defense attorneys regarding how one prevails in preparing for the courtroom and being on the witness stand. An exceptional feature of this course is the mock trial demonstration, during which the faculty will illustrate critical components of survival in the courtroom. The course format incorporates time for lecture, panel discussions and Q & A with the faculty.

This course is specifically designed for Physicians, Nurse Practitioners, Physician Assistants, Psychologists and Risk Managers and will be of paramount usefulness for them.

LEARNING OBJECTIVES

This course is designed so that participants will be able to:

- Develop strategies to reduce the likelihood of appearing in court and how to prevail if sued;
- Evaluate survival techniques for giving depositions and taking the witness stand;
- Demonstrate how to testify in court and effectively and positively influence the jury;
- Recognize the role of expert witness testimony;
- Appreciate the role of personal counsel;
- Summarize types and correct amount of insurance coverage;
- Collaborate effectively with attorneys as treating physicians, expert witnesses, or defendants;
- Apply new skills to master courtroom challenges, and be more prepared to work with attorneys.

Tuition Payment, Confirmation, and Refund Policy

Registration by credit card (VISA, MasterCard or American Express) or check can be made through Harvard Medical School's secure online registration system at <https://tinyurl.com/RiskManagement2019>.

Registration by check (draft on a United States bank), please make payable to Harvard Medical School. Learners who choose to pay by check will be prompted to download an online form to send in with a payment. Telephone or fax registration is not accepted. Registration with cash payment is not permitted. Upon receipt of your paid registration, you will receive an email confirmation. Be sure to include an email address that you check frequently. Your email address is used for critical information including registration confirmation, evaluation and certificate.

Refunds, less an administrative fee of \$75, will be issued for all cancellations received two weeks prior to the start of the course. Refund requests must be received by email only. No refund will be issued should cancellation occur less than two weeks prior. "No shows" are subject to the full course fee and no refunds will be issued once the conference has started.

Questions? Call 617-384-8600 Monday-Friday 9am – 5pm (EST) or email ceprograms@hms.harvard.edu

*All fees shown in USD	Physicians, Attorneys and Doctoral-Level Professionals	Nurse Practitioners, Other Healthcare Professionals, Residents, Fellows and Trainees
FULL COURSE		
FRIDAY, DECEMBER 6, 2019 Liability Prevention for Physicians, Nurse Practitioners, and Other Healthcare Professionals	\$695	\$495
SATURDAY, DECEMBER 7, 2019 Physicians, Nurse Practitioners, and Other Healthcare Professionals In Court: A Survival Guide		
FRIDAY, DECEMBER 6, 2019 ONLY Liability Prevention for Physicians, Nurse Practitioners, and Other Healthcare Professionals	\$395	\$300
SATURDAY, DECEMBER 7, 2019 ONLY for Physicians, Nurse Practitioners, and Other Healthcare Professionals In Court: A Survival Guide	\$395	\$300
* Add processing fee (non-refundable)	\$10	\$10

All course participants will receive a link to a website where they can download the course materials. You can purchase a printed copy at the time of online registration which will be given to you the first day of the conference for \$35. Please note, we will not have hard copies for purchase at the conference.

Accreditation

The Harvard Medical School is accredited by the Accreditation Council for Continuing Medical Education (ACCME) to provide continuing medical education for physicians.

The Harvard Medical School designates this live activity for a maximum of 14.0 *AMA PRA Category 1 Credits*[™]. Physicians should claim only the credit commensurate with the extent of their participation in the activity.

- Liability Prevention for Physicians, Nurse Practitioners, and Health Care Professionals: A maximum of 7.0 *AMA PRA Category 1 Credits*[™].
- Physicians, Nurse Practitioners, and Health Care Professionals in Court: A Survival Guide: A maximum of 7.0 *AMA PRA Category 1 Credits*[™].

The **Royal College of Physicians and Surgeons of Canada** recognizes conferences and workshops held outside of Canada that are developed by a university, academy, hospital, specialty society or college as accredited group learning activities.

Through an agreement between the American Medical Association and the European Union of Medical Specialists, physicians may convert *AMA PRA Category 1 Credit*[™] to an equivalent number of European CME Credits[®] (ECMECs[®]). Information on the process of converting *AMA PRA Category 1 Credits*[™] to ECMECs[®] can be found at: www.eaccme.eu.

Risk Management Credits: This activity meets the criteria of the Massachusetts Board of Registration in Medicine for 14.0 Risk Management Study. This includes .50 credits in Opioid Education. Please check your individual state licensing board requirements before claiming these credits.

Continuing Education Credits for Nurses: This activity has been submitted to ANA Massachusetts for approval to award contact hours. ANA Massachusetts is accredited as an approver of continuing nursing education by the American Nurses Credentialing Center's Commission on Accreditation. For more information regarding contact hours, please call 617-754-1265 or email jflyn2@bidmc.harvard.edu.

ABMS/ACGME Competencies

This course is designed to meet the following American Board of Medical Specialties (ABMS)/ Accreditation Council for Graduate Medical Educational (ACGME) competencies:

- Interpersonal and communication skills

IOM Competencies

This course is designed to meet the following Institute of Medicine Competencies:

- Apply Quality Improvement

Venue and Accommodations

The Fairmont Copley Plaza Hotel

138 St. James Avenue
Boston, Massachusetts
617-267-5300 • www.fairmontcopley.com



Accommodations and Travel

A limited number of rooms have been reserved at the Fairmont Copley Plaza Hotel (Telephone: 800-441-1414) until November 12, 2019. Please specify you are enrolled in the HMS Risk Management "RISK2019" to receive a reduced room rate.

<https://book.passkey.com/go/hmsriskmanagement>.

Please do not purchase non-refundable airline ticket(s) until you have received an email from our office confirming your paid registration.

Please note only coffee and tea are available during registration and a limited continental breakfast will be served at the mid-morning break.

Risk Management Update for Physicians, Nurse P

FRIDAY, DECEMBER 6, 2019

Liability Prevention for Physicians, Nurse Practitioners, and Other Healthcare Professionals

7:30–8:00 am	Registration
8:00–8:15 am	Welcome and Course Overview Odysseus Argy, MD
8:15–9:00 am	Current Essentials of Risk Management Odysseus Argy, MD
9:00–9:30 am	“Burnout”: How it Negatively Affects Clinical Practice and Increases Liability Risks Tim Havens, MD
9:30–10:15 am	When Things Go Wrong: Helpful Strategies for Communication, Apology and Resolution Stephen D. Brown, MD
10:15–10:45 am	Coffee Break
10:45–11:30 am	1. Telemedicine and Email Risks; 2. Risks other than Malpractice: State Licensing Boards Minefields 3. Prescription Monitoring Program and the Important “Notebook” to Save your Practice James T. Hilliard, JD
11:30 am–12:00 pm	Panel Discussion with Questions and Answers Odysseus Argy, MD, Stephen D. Brown, MD, Tim Havens, MD, and James Hilliard, JD
12:00–1:15 pm	Lunch (on your own)
1:15–1:45 pm	Informed Consent and Documentation: Avoiding the Risk Hot Spots Thomas G. Gutheil, MD
1:45–2:15 pm	Risk Avoidance: A Surgeon’s Perspective David Brooks, MD
2:15–2:45 pm	The Opioid Crisis: A Provider’s Dilemma Edgar L. Ross, MD
2:45–3:00 pm	Coffee Break
3:00–4:45 pm	1. Supervisor Liability for Nurse Practitioners, Physician Assistants, Residents and Medical Students 2. Liability Risks in Curbside Consultations 3. Risks Other than Malpractice: Issues and Risks Related to Your Licensing Board Clyde Bergstresser, JD and David Gould, JD
4:45–5:15 pm	Panel Discussion with Questions and Answers Clyde Bergstresser, JD, David Brooks, MD and David Gould, JD, Thomas G. Gutheil, MD, and Edgar L. Ross, MD
5:15 pm	Adjourn

Register online at <https://tinyurl.com/2019RiskManagement>

Practitioners, and Other Healthcare Professionals

SATURDAY, DECEMBER 7, 2019

Physicians, Nurse Practitioners, and Other Healthcare Professionals in Court: A Survival Guide

7:30–8:00 am	Registration
8:00–8:15 am	Welcome and Course Overview David Gould, JD
8:15–9:45 am	Being Deposed: How to Prepare and Prevail <ul style="list-style-type: none">• The Perspective of the Defense Attorney David Gould, JD• The Perspective of the Deponent Thomas G. Gutheil, MD• The Perspective of the Plaintiff's Attorney Clyde Bergstresser, JD
9:45–10:15 am	Coffee Break
10:15–11:45 am	The Defendant and Expert Witnesses on the Witness Stand: Perils, Pearls, and Possibilities <ul style="list-style-type: none">• The Perspective of the Defense Attorney David Gould, JD• The Perspective of the Defendant Thomas G. Gutheil, MD• The Perspective of the Plaintiff's Attorney Clyde Bergstresser, JD
11:45 am–12:15 pm	Faculty and Audience Discussion David Gould, JD, Clyde Bergstresser, JD, Thomas G. Gutheil, MD
12:15–1:30 pm	Lunch (on your own)
1:30–2:15 pm	1. Handling the Risks of a Judgement in Excess of your Insurance Coverage 2. Benefits of a Personal Attorney Clyde Bergstresser, JD and David Gould, JD
2:15–3:00 pm	How the Physician and Nurse Practitioner Can Positively Influence the Jury: What the Encouraging Research Reveals Linda Crawford, JD
3:00–3:10 pm	Read "Anatomy of a Case"
3:10–4:00 pm	Mock Trial Demonstration <ul style="list-style-type: none">• Defendant Jerry M. Blaine, MD• Plaintiff's Attorney Clyde Bergstresser, JD• Defendant Attorney David Gould, JD• Presiding Judge The Honorable Gregg J. Pasquale
4:00–4:15 pm	Coffee Break
4:15–4:30 pm	Mock Trail Demonstration Wrap-up Jerry M. Blaine, MD, Clyde Bergstresser, JD, David Gould, JD, The Honorable Gregg J. Pasquale
4:30–4:45 pm	The Clinician in Court: A View from the Bench The Honorable Gregg J. Pasquale
4:45–5:15 pm	Panel Discussion with Questions and Answers Jerry M. Blaine, MD, Clyde Bergstresser, JD, Linda Crawford, JD David Gould, JD, The Honorable Gregg J. Pasquale
5:15 pm	Adjourn

Faculty

COURSE DIRECTORS

Clyde Bergstresser, JD, David Gould, JD, Thomas G. Gutheil, MD, Mark J. Hauser, MD, James Hilliard, JD, and Lawrence E. Lifson, MD

Odysseus Argy, MD: Instructor of Surgery, Boston University School of Medicine; Founder and President, Odyssey Health Communications, Inc.; Former Adjunct Professor, Boston University College of Communication; Former Host & Moderator, *Doctors on Call*, WABU TV 68, Boston.

Clyde Bergstresser, JD: Founding member of Bergstresser and Pollock, PC, Boston, MA; Fellow of the American College of Trial Lawyers.

Jerry M. Blaine, MD: Assistant Clinical Professor of Medicine, Tufts University School of Medicine.

David Brooks, MD: Associate Professor of Surgery; Brigham and Women's Hospital.

Stephen D. Brown, MD: Associate Professor of Radiology, Harvard Medical School; Director, Institute for Professionalism and Ethical Practice, Boston Children's Hospital.

Linda S. Crawford, JD: Linda Crawford and Associates; Instructor in Trial Advocacy Workshops, Harvard Law School; Consulting Editor, *Medical Malpractice Law and Strategy*.

David Gould, JD: Senior Partner, Ficksman & Conley, LLP, Boston, MA; Fellow of the American College of Trial Lawyers.

Thomas G. Gutheil, MD: Professor of Psychiatry, Harvard Medical School; Co-Founder, Program in Psychiatry and the Law, Beth Israel Deaconess Medical Center; Past President of the American Academy of Psychiatry and the Law; Past President of the International Academy of Law and Mental Health; Author, *The Psychiatrist in Court: A Survival Guide*; *The Psychiatrist as Expert Witness* and Co-author, *Mastering Forensic Psychiatric Practice: Advanced Strategies for the Expert Witness*; Co-author, *The Clinical Handbook of Psychiatry and the Law*.

Mark J. Hauser, MD: Lecturer in Psychiatry, (part time), Harvard Medical School; Webmaster, Program in Psychiatry and Law, Beth Israel Deaconess Medical Center. Past President, Massachusetts Psychiatric Society.

Tim Havens, MD: Lecturer on Psychiatry (part-time), Harvard Medical School; Senior Vice President of the Levinson Institute; he has held many medical leadership roles, and directs the program on Leadership for Physician Executives for Harvard Medical School, Department of Continuing Education.

James T. Hilliard, JD: Assistant Professor of Psychiatry (Legal Medicine) Harvard Medical School (Part-time) and co-author of *Essentials of Massachusetts Mental Health Law: A Straightforward Guide for Clinicians of All Disciplines*.

Lawrence E. Lifson, MD: Lecturer on Psychiatry, Harvard Medical School; Director, Continuing Education Program at Beth Israel Deaconess Medical Center; Distinguished Life Fellow, American Psychiatric Association; Recipient, Massachusetts Psychiatric Society's, 2012 Outstanding Psychiatrist in Education Award; 2018 Recipient of American Psychoanalytic Association's Edith Sabshin Teaching Award, Editor, *Understanding Therapeutic Action: Current Concepts of Cure* and *The Mental Health Practitioner and the Law*; and *Psychology of Investing*.

The Honorable Gregg J. Pasquale: Associate Justice, Superior Court, Commonwealth of Massachusetts.

Edgar L. Ross, MD: Associate Professor of Anaesthesia, Harvard Medical School; Director, Pain Management Center at Brigham and Women's Hospital.

Disclosure Policy

Harvard Medical School (HMS) adheres to all ACCME Accreditation Criteria and Policies. It is HMS's policy that those who have influenced the content of a CME activity (e.g. planners, faculty, authors, reviewers and others) disclose all relevant financial relationships with commercial entities so that HMS may identify and resolve any conflicts of interest prior to the activity. These disclosures will be provided in the activity materials along with disclosure of any commercial support received for the activity. Additionally, faculty members have been instructed to disclose any limitations of data and unlabeled or investigational uses of products during their presentations.