

INSURANCE

Yes, PAs Do Get Sued

By GARY MCCAMMON
AAPA Insurance Services

Recently studied the malpractice claims experience of the AAPA-endorsed insurance program from 1987 to 2001, reflecting more than \$30 million of incurred claims. This was the period insured by the MMI Companies. Because claims develop over time, only by looking back several years can we draw any conclusions about trends in malpractice. For example, there is still active litigation on claims against policies written in 1992. Technically, a new claim could be reported against such a policy today or tomorrow. However, the greater the time since a given policy-year, the less likely there will be further development of incurred claims.

In policy year 1992, the average payment to claimants was \$31,990. This may seem like a relatively small number, but it is an average; while many claims may close out for only a few hundred dollars of legal expenses, there are others that reach high six figures. In 1999, though, the average was \$136,937, a 428 percent increase, or a 23 percent increase per year over the seven-year period. The actual number of claims remained virtually the same, 41 in 1992 and 48 in 1999. The number of PAs participating in the program was relatively constant over this period.

PAs are not being sued more often, but each lawsuit costs a lot more. This is not unique to PAs. Median jury awards for all malpractice cases, mostly against physicians and hospitals, rose 211 percent between 1996 and 2000. Average PA claim payments rose 194 percent during that period: virtually the same. So there is good and bad news. PAs are not the leading edge in the escalating trend of malpractice payouts, but PAs are caught in the same wave of skyrocketing costs as physicians and the general health care world. That's why their malpractice premiums are going up.

The good news: PAs are not sued as often as are physicians. You have about a two percent chance of being sued in a given year. But aside from the numbers, why are PAs sued? The

reasons are as varied as the treatment options and settings in which PAs work. However, one generic category stands out: failure to diagnose and/or refer (FTD). This can mean anything from sending a patient home with Maalox to treat indigestion (myocardial infarction a few hours later) to suturing an infant's eyelid laceration and releasing the infant without an ophthalmic evaluation (permanent blindness in that eye). Unfortunately, these were actual cases.

We are working to identify what within this broad category can be addressed through education to reduce the incidence of FTD claims. Interestingly, of the top 20 claim payouts from the period studied, three were related to pulmonary embolisms. Conventional wisdom had been that cancer and MI were the biggest problem areas. We are also looking at whether the number of years of experience of the PA or other factors correlate with the incidence of claims. We are working to find the ways to reduce the number and severity of claims. And none too soon — the first \$1 million malpractice payout on behalf of a PA was made recently. A few more payouts of that magnitude and it will be hard to arrest the trend of PA claims and consequential increases in PA premiums.

One thing that you can immediately do to potentially reduce claims is take the on-line course Patient Communications and Adverse Outcomes. It gives you the tools to communicate with patients in a way that may dissuade your patient from suing you in the first place. It qualifies for CME credit and a 10 percent discount off your insurance premium if you participate in the AAPA-endorsed professional liability insurance program. You can access the course at www.epreceptor.com/aapa.

Call us with any questions at 877/356-2272 or e-mail us at info@professionallriskadvisor.com.

AAPAsponsored insurance plans are offered by insurance professionals and companies (distinct from AAPA) that are solely responsible for all insurance communications.

ARC-PA Votes to Accredite Two PA Programs

The Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) voted last month to award provisional accreditation to two new PA Programs: Harding University PA Program in Searcy, Arkansas (www.harding.edu/paprogram) and the Nova Southeastern University PA Program/Naples, Florida (www.nova.edu/panaples). The two accreditations bring the total number of accredited PA programs to 137.

Provisional accreditation is a time-limited status granted to a new PA program that meets the eligibility criteria set out in the Accreditation Standards for Physician Assistant Education, but has not yet accepted its first class of students. A provisionally accredited program must reapply for continuing accreditation no later than six months after graduating its first class. Programs that fail to be approved at that time lose their accredited status.

SAAAPA

Orlando – Here We Come!

More than 1,200 PA students are expected to attend AAPA's 33rd Annual PA Conference in sunny Orlando, Florida. This year, as part of AAPA's Host City Prevention Campaign, the Student Academy of AAPA has teamed up with The ManaTEEN Club, a Florida-based youth organization, to make the 2005 hurricane season a little easier for Florida's children.

During the annual conference, SAAAPA will collect books and combine them with flashlights, snacks, water, and other relief items to prepare useful disaster kits. ManaTEENs will distribute the SAAAPA disaster kits to local children. Book bins will be available at various locations in the Orange County Convention Center in

Orlando. On Monday morning, May 30, during the House of Delegates meeting, the presidents of AAPA, the PA Foundation, SAAAPA, and the Association of PA Programs will also present a check to The ManaTEEN Club.

You don't want to miss the fun, education, and experience of this year's annual conference. It offers an Exhibit Hall, with hundreds of exhibitors from the health industry, a chance to meet leaders and practicing PAs from all over the nation, and the opportunity to learn about current issues in the health care field.

If you haven't already registered to attend the annual conference, make your plans now. Visit the AAPA Web site, www.aapa.org/annual-conf/index.html, to register.

Conference Highlights for Students

Friday, May 27

6:30-8:30 p.m.

Student House of Delegates and Student Assembly of Representatives Orientation
Student representatives will learn the ins and outs of these two legislative bodies of AAPA.

Saturday, May 28

7:30 a.m.-5:30 p.m.

Assembly of Representatives (AOR) Meeting

The AOR is the legislative body of the Student Academy. Designated student representatives from PA programs will establish the issues and goals for the upcoming year. The AOR is open to all PA students and continues on Sunday.

Noon-2:15 p.m.

Opening session of the House of Delegates (HOD)

There are 12 student delegates to the HOD to give voice to YOUR ideas and concerns.

6:00-7:30 p.m.

Student/Faculty Forum

An opportunity for PA program faculty and students to meet and discuss issues.

Sunday, May 29

7:30 a.m.-5:00 p.m.

Assembly of Representatives Meeting
Election of the 2005-2006 SAAAPA officers. An afternoon presentation of SAAAPA President's, Constituent Organization, and Outstanding Student Society Awards, and Host City Prevention Campaign certificates.

7:30-9:30 p.m.

SAAAPA National Medical Challenge Bowl

Finally, it's the competition you have been hearing about all year! All team members must be present to register at 7:00 p.m. The Challenge Bowl begins at 7:30 p.m.

Monday, May 30

9:00 a.m.-5:00 p.m.

Student Professional Workshops

Topics will include: Surviving Rotations, How to Prepare for PANCE – Test-taking/ Study Skills, CME 101/Malpractice Prevention and Risk Management, and Navigating Your State Laws and Reimbursement Policies.

9:00-11:00 a.m.

Student Society Presidents Roundtable

Network with other student society presidents and discuss common problems, solutions, and successes.

9:00-11:00 a.m.

Diversity Workshop

This year we will be joined by members of the AAPA Committee on Diversity. All diversity representatives and other students are welcome to attend.

4:00-8:00 p.m.

Disaster Kit Assembly

Please join the Student Academy for the finale of this year's Host City Prevention Campaign project: Operation Hurricane Relief – Restoring Literacy from the Ground Up.

6:30-8:00 p.m.

Reception Honoring Past and President SAAAPA Presidents

by invitation only. This event recognizes the contributions of current and past SAAAPA leaders.

9:00 p.m.-1:00 a.m.

SAAAPA Party

SAAAPA will sponsor this year's conference party for all attendees.

Tuesday, May 31

8:00 a.m.-5:00 p.m.

Gateways Student Leadership Development Program

by application only. This program provides skill development and information to help students enhance leadership abilities, along with opportunities to practice leadership through a special project.

Student Loan Repayment

Have you negotiated private student loan repayment as part of your compensation package (as distinct from National Healthcare Service Corporation or similar non-employer repayment programs)? If so, AAPA's Professional Affairs Department would like to speak with you. This information will help us assist other PAs negotiating loan repayment. Please contact Jennifer Anne Hohman, assistant director, professional affairs, jhohman@aapa.org.