Disclosure and Risk Management in HSCT

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Stanford’s PEARL

Full Disclosure in the HCT Space
Stanford’s PEARL

The Full Disclosure Program of the Stanford University Medical Institutions

The Process for Early Assessment and Resolution of Loss
“Discreet and selective practice” began with in-house claims management (September 2005)

Successes and failures analyzed

Pioneering programs, observations, and peer reviewed research studied (VA, UM, COPIC, Harvard)

SWOT assuming fully instituting a “full disclosure” approach

Formal program launched along side of on-going Stanford and University of Washington research project (September 2007)
MarketWatch

Disclosure Of Medical Injury To Patients: An Improbable Risk Management Strategy

Movement toward full disclosure should proceed with a realistic expectation of the financial implications and prudent planning to meet them.

by David M. Studdert, Michelle M. Mollo, Atul A. Gawande, Troyen A. Brennan, and Y. Claire Wang

Abstract: Pressure mounts on physicians and hospitals to disclose adverse outcomes of care to patients. Although such transparency diverges from traditional risk management strategy, recent commentary has suggested that disclosure will actually reduce providers’ liability exposure. We tested this theory by modeling the litigation consequences of disclosure. We found that forecasts of reduced litigation volume or cost do not withstand close scrutiny. A policy question more pressing than whether moving toward routine disclosure will expand litigation is the question of how large such an expansion might be. [Health Affairs 26, no. 1 (2007): 215–226; 10.1377/hithaff.26.1.215]
2 Words best describe our approach -- Optimistic and Cautious

Heavily influenced by the Stanford research mission

Quest to isolate and determine individual and overall PEARL outcomes and their success drivers compared with “partial disclosure programs”

Analogy 1: The Risk Management Stream

Analogy 2: Driving with standard transmission for the first time
Stanford’s *PEARL*

How we Describe PEARL: A Hybrid Values & Claims Centric Model

- *PEARL* is values and principles based – as well as smart business practice
- *PEARL* promotes transparency, integrity, fairness, and healing
- *PEARL* is consistent with insurance company stewardship principles
- *PEARL* distinguishes between anticipated outcomes, unanticipated outcomes, and *preventable* unanticipated outcomes (PUO’s)
**How does PEARL work?**

*PEARL* provides around-the-clock telephonic consultation for “concerning outcomes”

Consultation is provided by trained “*PEARL Risk & Claims Advisors*” acting within approved insurance company protocol

*PEARL* embraces and builds upon any hospital disclosure policy

*PEARL* utilizes “Just-In-Time” expert coaching

*PEARL* is always initially focused on “assessment” to determine if the medical outcome is a PUO
Once a PUO is established, the PEARL Risk & Claims Advisor will coach selected spokes-person (hospital and/or physician) on:

- Full disclosure
- Communicating lessons learned
- Approaching needs assessment
- Listening
How does PEARL fit within any disclosure policy and practice?

PEARL wraps around any disclosure policy

PEARL provides clear distinctions between anticipated, unanticipated, and preventable unanticipated outcomes

PEARL endorses disclosure

- Ethical basis
- Patient self determination
- Informed consent
Once a family needs assessment is done the PEARL Risk & Claims Advisor will authorize an early offer for discussion with patient and/or family.

- Offers are based on needs assessment
- Offers are up to full indemnity reserve valuation
- Settlement agreement required and use of counsel encouraged
- Minors compromise is sought (California)
- Sponsored mediation on case-by-case basis
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Five PEARL Instructions

- Stabilize patient
- Take all necessary actions to promote patient safety
- Call PEARL Risk & Claims Advisor ASAP, but < 4 hours after PUO
- Proceed with documenting the patient’s care after speaking to your PEARL Risk & Claims Advisor
- Record PEARL Risk & Claims Advisor name and phone number as exclusive contact regarding PUO, unless instructed otherwise
Stanford’s PEARL

Three PEARL Cautions

1. Do not jump to conclusions
2. Do not blame or accuse others
3. Never make promises or offer to waive bills or make offer of compensation without express approval of PEARL Risk & Claims Advisor
### Stanford’s PEARL

#### 15+1 PEARL Outcomes Measures

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<tr>
<td>Expenses paid</td>
<td>Patient satisfaction/distress</td>
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<td>Indemnity paid</td>
<td>Physician satisfaction/distress</td>
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<td>Case reserves</td>
<td>SUMIT staff satisfaction</td>
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<td>Comparison of Paid v. Reserved</td>
<td>Patient forgiveness</td>
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<td>Time of report/recognition</td>
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<td>Report to NPDB &amp; CMB</td>
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Overall Positive Outcomes (OPO’s) shall be determined by Stanford administrative and medical staff leadership using a model developed by them and the research team that weighs individual outcomes studied.
One Patient’s Journey
Discussion & Questions