


W E L C O M E




**The Maryland
Patient Safety Center
Perinatal Collaborative**

**Planning Learning Session 1
March 15, 2007**

Creating perinatal units that deliver
care safely and reliably with zero
preventable adverse outcomes

MARYLAND
Patient Safety
CENTER Support for the Perinatal Collaborative was provided by a grant from the Maryland Department of Health and Mental Hygiene Center for Maternal and Child Health.




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OB MedMal Claims Overview

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Vice President, Risk Management Services
MedStar Health, Inc.
March 15, 2007

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Reason for the High Volume of Medical Malpractice Suits

- Contingent fee system
- Technical advances – Increase in consumer expectations
- Deterioration in the physician-patient relationship
- High rate of preventable injuries

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THE WASHINGTON POST

Tom Toles



YOU CHOSE A HOSPITAL WITH A HIGH RATE OF MEDICAL ERRORS. I BET YOU COULD KICK YOURSELF.

New Rating System


SO NEXT TIME, LOOK BEFORE YOU... WELL, WHATEVER.

TOLES 12/2002 THE WASHINGTON POST

adverse outcomes 2004 - Risk Management Services

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Medical Malpractice Liability *Impact on Medical Care*

- Physicians:
 - Physicians in high-risk Specialties are being forced to leave or limit their practice;
 - Physicians are refusing to be on call for hospital emergency rooms and trauma services;
 - 1 in 11 obstetricians nationwide have scaled back their services to GYN only;
 - Radiologists are deciding to avoid high-risk services such as mammograms;
 - Medical students are avoiding high risk specialties
- Hospitals
 - Vital Community Services Threatened
 - Emergency/Trauma Services Threatened
 - Professional Services Needed to Operate Expensive Capital Investments Threatened

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OB – Healthcare’s Liability Loss Leader

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Based on a 10 Year Retrospective Review of MedStar’s Claims History (1991 – 2001) the OB Service Accounted For:

- 4% of MedStar’s Clinical Volume
- Greatest frequency (number of claims) 16%
- Greater severity (financial value of claims) 31%
- Brain and nerve injuries accounted for 50% of the severity
- Clinical judgment was identified as a risk management issue in 75% of all OB cases

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Adverse Outcomes in OB

- “Fetal Distress” Cases
- VBAC Deliveries
- Shoulder Dystocia
- Instrumented Deliveries

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“Fetal Distress” Malpractice Cases

- Claim failure to recognize non-reassuring FHR
- And/or claim failure to deliver in timely manner
- Claim that the method of delivery inappropriate
- And/or claim poor neonatal resuscitation

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VBAC Malpractice Cases

- Damages: ruptured uterus, brain damaged child or neonatal death
- Issue of informed consent
- Management during labor and delivery

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Shoulder Dystocia Malpractice Cases

- Claims of long term permanent brachial plexus injury
- Brain damage
- Fetal/neonatal death
- Maternal injuries

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Instrumented Deliveries

- Inherent risk of injury from the device
- Injury is caused by the device itself
- Indication for the device becomes the issue in malpractice cases

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Focus On What You Can Control

- Focus on better outcomes
- Commit to quality
- Actively engage in loss prevention



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