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Risk Management Update

for Physicians and Other Healthcare Professionals

December 12 & 13, 2014 • Boston, MA

Friday, December 12, 2014

**Liability Prevention for
Physicians and Other
Health Care Professionals**

- Preventing malpractice suits
- Malpractice “hot spots”
- Email communication risks
- Electronic medical record risks
- Telemedicine risks
- Medical marijuana risks
- Plaintiff and defense attorneys’ tips
- Malpractice prevention pillars

Saturday, December 13, 2014

**Physicians and Health Care
Professionals in Court:
A Survival Guide**

- Strategies if sued
- Deposition tactics
- Witness stand perils
- Witness stand opportunities
- Positively influencing the jury
- Courtroom survival
- Plaintiff and defense attorneys’ tips
- Mock trial demonstration

*The Harvard Medical School
Risk Management Update*



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Promoting Safety.

Register at www.HMSCME.com/RiskManagement

The Harvard Medical School Risk Management Update

This special two-part program offers clinicians updates in liability prevention and protection and also in courtroom preparation and effectiveness. You have the option to attend just one program.

Liability Prevention for Physicians and Other Health Care Professionals

Strategies and Update

► *Friday, December 12, 2014*

This course focuses on the major risk management areas and legal pitfalls encountered in current everyday clinical practices. The program presents the newest risk management principles and developments in liability prevention and their implications for medical practice. It also recommends liability prevention strategies for health care professionals.

Current concepts in malpractice prevention and “hot spots” in risk management are emphasized. The course will instruct about the risks incurred from the use of the electronic medical record and increased usage of email communications 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. The course will highlight how to make an informed decision about Medical Marijuana Certification as well as its legal issues under both State and Federal Law. Unique features of this course include vantage points of practicing clinicians, insurers, and plaintiff and defense attorneys. The course format incorporates time for lecture, panel discussions, and Q & A with the faculty.

Learning Objectives

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

- Describe the new essentials of risk management in medical and surgical care;
- Outline the risks of telemedicine, email communications, and electronic medical records;
- Understand the implications of evolving law related to the use of medical marijuana;
- Gain strategic tips about liability protection from both plaintiff’s attorney and defense attorney.

Physicians and Health Care Professionals in Court: A Survival Guide

► *Saturday, December 13, 2014*

It is increasingly common for the practicing clinician to be deposed or appear in the courtroom in one capacity or another. This often engenders clinician anxiety and uncertainty, especially in the role of defendant. This course teaches the clinician the tactics and tips to be most successful while giving a deposition or being on the witness stand. 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 as to how you prevail in preparing for the courtroom and being on the witness stand.

A unique feature of this course is the mock trial demonstration, during which the faculty will illustrate the critical components of survival in the courtroom. The course format incorporates time for lecture, panel discussions and Q & A with the faculty.

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;
- Describe how to effectively and positively influence the jury;
- 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 both plaintiff and defense attorneys.

Risk Management for Physicians and Other Health Care Providers

Liability Prevention for Physicians and Other Health Care Professionals

Friday, December 12, 2014

7:30–8:00	Registration
8:00–8:15	Welcome and Introduction Odysseus Argy, MD
8:15–9:00	New Essentials of Risk Management Odysseus Argy, MD
9:00–9:45	Recommendations for Consultation and Documentation: Your Twin Pillars of Malpractice Prevention Thomas G. Gutheil, MD
9:45–10:15	Coffee Break
10:15–11:00	The Risks of Telemedicine: Clinician Beware James T. Hilliard, JD
11:00–11:45	Pitfalls in Ambulatory Primary Care: A Medical Malpractice Perspective Luke Sato, MD
11:45–12:00	Ask Your Questions to the Liability Prevention Experts Odysseus Argy, MD; Thomas G. Gutheil, MD; James T. Hilliard, JD; Luke Sato, MD
12:00–1:15	Lunch (on your own)
1:15–1:45	Making an Informed Decision About Medical Marijuana Certification Lida Nabati, MD
1:45–2:15	State and Federal Laws for Medical Marijuana and the Risks They May Pose to Clinicians Joshua L. Abrams, JD
2:15–2:45	How to Avoid Being Sued or Prevail If Sued: A Surgeon's Personal Experience Dennis Burke, MD
2:45–3:00	Expert Panel and Audience Discussion Lida Nabati, MD; Joshua L. Abrams, JD; Dennis Burke, MD; David Gould, JD
3:00–3:15	Coffee Break
3:15–4:30	Liability Protection <ul style="list-style-type: none">• Strategic Tips from the Plaintiff's Attorney Clyde Bergstresser, JD• Strategic Tips From the Defense Attorney David Gould, JD
4:30–5:00	Panel Discussion with Questions and Answers Clyde Bergstresser, JD and David Gould, JD
5:00	Adjourn

Risk Management for Physicians and Other Health Care Providers

Physicians and Health Care Professionals in Court: A Survival Guide

Saturday, December 13, 2014

7:30–8:00	Registration
8:00–8:15	Welcome and Introduction David Gould, JD
8:15–9:45	Surviving Your Deposition: Necessary Tactics <ul style="list-style-type: none">• Guidance from the Defense Attorney David Gould, JD• The Perspective of the Deponent Thomas G. Gutheil, MD• The Plaintiff's Attorney Rebuttal Clyde Bergstresser, JD
9:45–10:15	Coffee Break
10:15–11:45	Taking the Witness Stand: How to Prepare and How to Prevail <ul style="list-style-type: none">• The Perspective of the Defense Attorney David Gould, JD• The Perspective of the Plaintiff's Attorney Clyde Bergstresser, JD• The Perspective of the Defendant Thomas Gutheil, MD
11:45–12:00	Faculty and Audience Discussion David Gould, JD; Clyde Bergstresser, JD; Thomas G. Gutheil, MD
12:00–1:15	Lunch (on your own)
1:15–2:00	How The Doctor Can Positively Affect the Jury: What the Data Shows Linda Crawford, JD
2:00–2:30	The Personal Experience of Having Been Sued Jerry M. Blaine, MD
2:30–2:40	Anatomy of a Case
2:40–3:45	Mock Trial Demonstration <ul style="list-style-type: none">• Plaintiff's Attorney Clyde Bergstresser, JD• Defense Attorney David Gould, JD• Presiding Judge The Honorable Carol Ball• Mock Trial Defendant Jerry M. Blaine, MD
3:45–4:00	Coffee Break
4:00–4:15	Mock Trial Demonstration Wrap-up Clyde Bergstresser, JD; David Gould, JD; The Honorable Carol Ball; Jerry M. Blaine, MD
4:15–4:30	The Judge's Comments The Honorable Carol S. Ball
4:30–5:00	Panel Discussion with Questions and Answers Clyde Bergstresser, JD; David Gould, JD; The Honorable Carol Ball; Jerry M. Blaine, MD and Participants
5:00	Adjourn



ACCREDITATION

The Harvard Medical School is accredited by the Accreditation Council for Continuing Medical Education 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 and Health Care Professionals: A maximum of 7.0 *AMA PRA Category 1 Credits*[™].
- Physicians and Health Care Professionals in Court: A Survival Guide: A maximum of 7.0 *AMA PRA Category 1 Credits*[™].

Risk Management Credits: The Massachusetts Board of Registration in Medicine requires Massachusetts physicians to include 10 hours of “risk management study” as part of their 100 hours continuing medical education, with a minimum of 4 hours in *AMA PRP Category I credits*. Liability Prevention for Physicians and Health Care Professionals meets the criteria for 7.0 credit hours, Physicians and Health Care Professionals in Court: A Survival Guide meets the criteria 7.0 credit hours and Risk Management Update (both programs) meet the criteria for 14.0 credit hours. Risk management credit(s) were determined based on criteria outlined by the Massachusetts Board of Registration in Medicine. Please check with your individual state licensing board requirements before claiming risk management credit(s). Physicians should only claim credit commensurate with the extent of their participation in the activity.

Continuing Education Credits for Psychologists: The Continuing Education Program at Beth Israel Deaconess Medical Center, a major teaching hospital of Harvard Medical School, is approved by the American Psychological Association to offer continuing education for psychologists. The Continuing Education Program at Beth Israel Deaconess Medical Center, a major teaching hospital of Harvard Medical School, maintains responsibility for the program and content.

Continuing Education Credits for Nurses: The Continuing Education Program at Beth Israel Deaconess Medical Center, a major teaching hospital of Harvard Medical School, meets the specifications of the Board of Registration in Nursing in Massachusetts, (244CMR).

ACGME Competencies: This course is designed to meet one or more of the following Accreditation Council of Graduate Medical Education competencies: Patient care; practice-based learning and improvement; interpersonal and communication skills; professionalism; and systems-based practice.

VENUE AND ACCOMMODATIONS

The Fairmont Copley Plaza Hotel

138 St. James Avenue
Boston, Massachusetts
+1 617-267-5300 • 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 20, 2014. Please specify you are enrolled in the HMS Risk Management Course RISK1212 to receive a reduced room rate.

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



HARVARD MEDICAL SCHOOL

Harvard Medical School Faculty

Jerry M. Blaine, MD: Clinical Instructor in Medicine, Harvard Medical School; Assistant Clinical Professor of Medicine, Tufts University School of Medicine.

Dennis Burke, MD: Clinical Instructor in Orthopaedic Surgery, Harvard Medical School.

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: Clinical Instructor in Psychiatry, Harvard Medical School; Webmaster, Program in Psychiatry and Law, Beth Israel Deaconess Medical Center.

James Hilliard, JD: Assistant Clinical Professor of Psychiatry (Legal Medicine), Department of Psychiatry, Harvard Medical School; General Counsel, Massachusetts Psychiatric Society; Partner, Connor and Hilliard, Walpole, MA; author, *Essentials of Massachusetts Mental Health Law: A Straightforward Guide for Clinicians of All Disciplines*.

Lawrence E. Lifson, MD: Lecturer on Psychiatry, Harvard Medical School; Associate Clinical Professor of Psychiatry, Tufts 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; Editor, *Understanding Therapeutic Action: Current Concepts of Cure and The Mental Health Practitioner and the Law*; and *Psychology of Investing*.

Lida Nabati, MD: Instructor of Medicine, Harvard Medical School; Attending physician in Adult Palliative Care, Dana-Farber Cancer Institute and Brigham and Women's Hospital.

Luke Sato, MD: Assistant Clinical Professor of Medicine, Harvard Medical School; Senior Vice President & Chief Medical Officer, CRICO.

COURSE DIRECTORS

Clyde Bergstresser, JD

David Gould, JD

Thomas G. Gutheil, MD

Mark J. Hauser, MD

James Hilliard, JD

Lawrence E. Lifson, MD

Guest Faculty

Joshua L. Abrams, JD: Health, Employment and Labor Law Senior Attorney at Partners HealthCare System, Inc. (Massachusetts General Hospital, Brigham & Women's Hospital, North Shore Medical Center, Newton Wellesley Hospital and others).

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

The Honorable Carol S. Ball: Associate Justice, Superior Court, Commonwealth of Massachusetts.

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

David Gould, JD: Managing Partner, Ficksman and Conley, Boston, MA.

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

DISCLOSURE POLICY

Harvard Medical School (HMS) adheres to all ACCME Essential Areas, Standards, 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.



Risk Management Update for Physicians and Other Healthcare Professionals

Friday, December 12 & Saturday, December 13, 2014 • Boston, MA

Tuition: All fees shown in USD. Course #341372	Physicians, Attorneys, and Doctoral-Level Professionals	Other Health Professionals, Residents, Fellows, and Trainees
Full Course: Liability Prevention for Physicians and Other Health Care Professionals (Friday, Dec. 12) Physicians and Health Care Professionals in Court: A Survival Guide (Saturday, Dec. 13)	<input type="checkbox"/> \$595	<input type="checkbox"/> \$395
Liability Prevention for Physicians and Other Health Care Professionals only (Friday, Dec. 12)	<input type="checkbox"/> \$350	<input type="checkbox"/> \$250
Physicians and Health Care Professionals in Court: A Survival Guide only (Saturday, Dec. 13)	<input type="checkbox"/> \$350	<input type="checkbox"/> \$250

Register by credit card online at www.HMSCME.com/RiskManagement or by check with the mail-in form below.

Mail-in Form — Please print your name clearly below. All fields are required.

To register by mail:

1. Please check one of the six boxes above to indicate whether you will be attending the Full Course (Dec 12 & 13) or the Friday (Dec 12) or Saturday (Dec 13) program.
2. Complete the fields below and include a check (draft on a United States bank) payable to:
Harvard Medical School Department of Continuing Education

Mail this completed form and your check to:
Harvard Medical School Department of Continuing Education
P.O. Box 417476
Boston, MA 02241-7476 Boston, MA 02241-7476

You can also register by credit card (VISA, Mastercard or American Express) online at HMSCME.com/RiskManagement

Full Name _____
First Middle Initial Last

Profession _____ Degree _____

Mailing Address _____
Street

City _____ State/Prov _____ ZIP Code _____ Country _____

Daytime Phone (_____) _____ Fax Number (_____) _____

Email Address _____

Please note: Your email address is used to send you critical information, such as your registration confirmation, course evaluation, and certificate of participation.

Physicians, please also complete these required fields

Primary Specialty: _____ Board Certified? Yes No
Professional School Attended: Harvard Medical School US Medical School International Medical School Year of Graduation: _____

TUITION PAYMENT, CONFIRMATION, and REFUND POLICY

Payment via credit card (VISA, MASTERCARD, or American Express) or check only. Telephone, fax, and cash-payment registrations are not accepted. Upon receipt of your paid registration, an email confirmation from the HMS-DCE office will be sent to you. 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.

A handling fee of \$60 is deducted for cancellation. Refund requests must be received by postal mail, email, or fax one week prior to this activity. No refunds will be made thereafter.