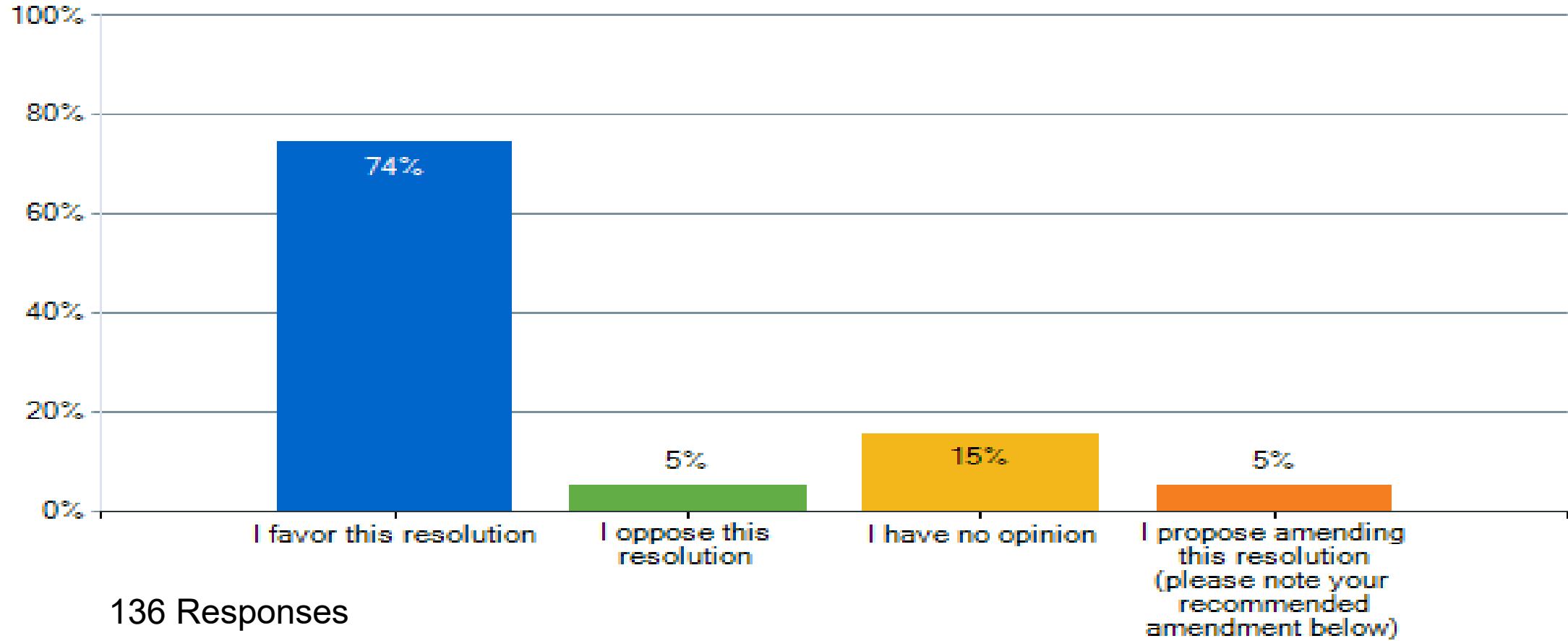
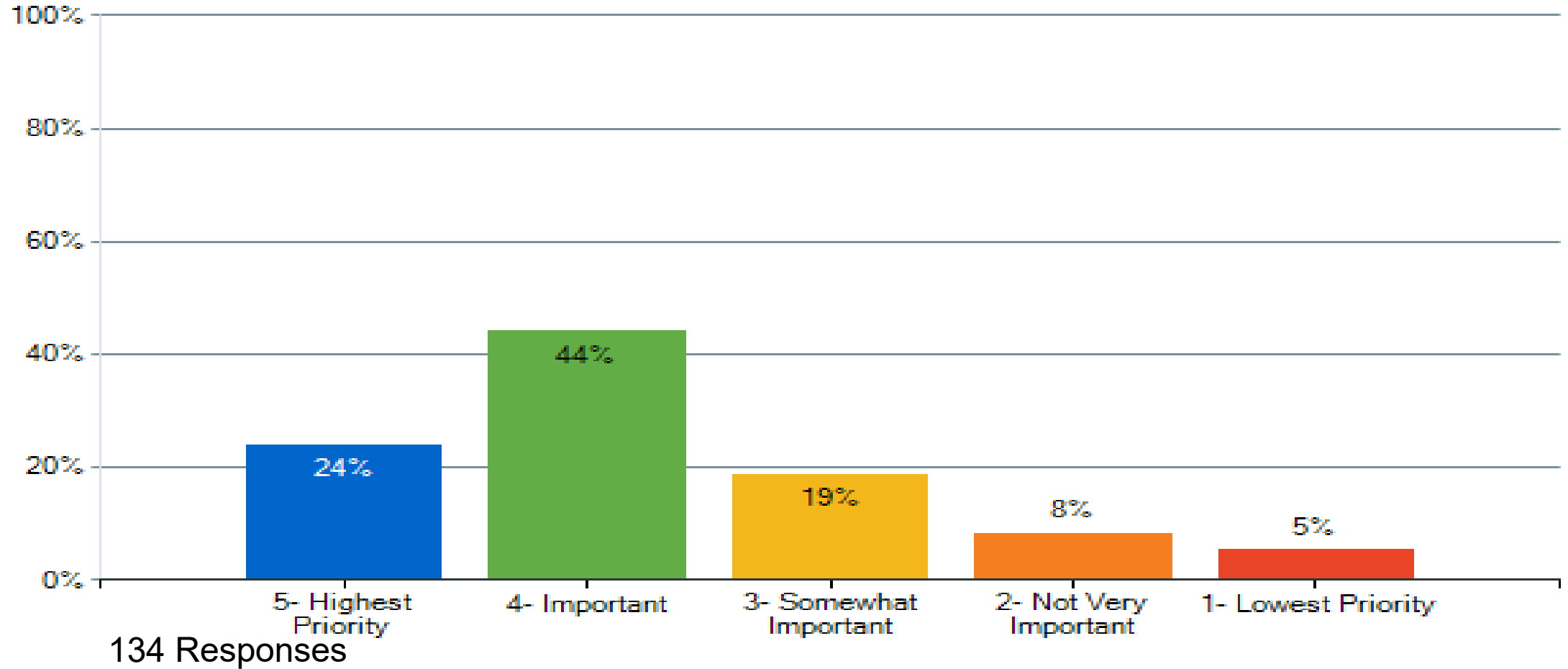


# Research Alternative Dispute Resolution for Professional Liability Claims



Please indicate your view of this resolution as an ISMS priority.



## Q1. Comments

### Response Text

I do not think that A leads to B. The first part sounds as if this is about liability that providers face when/i they expose their patients to COVID yet, at the end this seems to be a call for some sort of alternative dispute resolution

Very good

I agree with researching alternative forms of dispute resolution for these types of claims; however, the reasons given, except for the last Whereas, are not particularly persuasive. The real issue is that liability claims and expenses continue to rise and physicians need a way to curtail them.

I agree with this idea on its merits. However, I would avoid arguing that we should do this because physicians' incomes have suffered will not win the day. Rather, we should argue that this will result in a less expensive and stressful system that will conclude cases more rapidly and get fair compensation to truly injured patients.

Avree

Seems ridiculous to me.

Reaffirm voluminous existing policies not revisited since 2011. What is ISMIE perspective on current climate of risk, litigation or range of dispute resolution mechanisms ?

I favor this, but it appears we have extensive policy already in place

Support

I support this approach.

Why are we framing this only in the Covid situation? Don't we think that ADR would accomplish more educational and public health benefit than our current Tort system, which seeks only to punish?

Agree!

Of course, I agree with the intent of the resolution. Everyone would like to improve how Professional Liability is handled and we all know many problems with the current system. I do not see that the authors though have any new angle to explore but are just asking that IRS go and look for new angles. I presume that this issue is on all of our minds all of the time. In the absence of a new angle having been put forward to explore, I think it highly unlikely that this resolution will result in anything more than time and expense for ISMS. Therefore, I regretfully have to say that I believe this resolution should either be rejected or modified in such a way to indicate that this is already what ISMS is doing and what all of us do all of the time. If modified, it then could merely be a reaffirmation that we think this type of work is important without any new resources needing to be committed.

The " corona virus " whereas items dont really seem pertinent.

Little vague specifics, how many staff hours for research or advocacy preparation needed. Costs to ISMS always a subset. Then, this resolution speaks on coronavirus extensively which comes tangentially to the conclusion.

Dispute resolution and Covid; What is the connection?

Whereas ' don't seem related to the resolution, but I think looking into alternatives seems reasonable.

It is difficult to resolve this when the issues related to public health problems are being delegated by public health officials as opposed to independently licensed Physicians. So many variables are dictated by politics in public Health, it's important to address this with some sort of a resolution that protects Physicians from liability.

Great idea. But what alternative methods have been tried in other states and what was their impact on the incidence of liability claims. We need to do some research in this area before moving any further.

Sounds WHINY!! Trial lawyers don't care about our liability premiums. They certainly will laugh at an attempt to use COVID and the risks that physicians/families face to try to reduce their income!! Use data with costs of defense, payouts, jury trial awards, etc. to justify your assumption that the premium increases are too high. Offer alternatives yourself, not a directive to have an organization find answers for you! Do some research and legwork yourself. The old adage of come to me with a solution, not a complaint applies here. While I agree with the concerns, this is a poorly written Resolution.

Disjointed.

Overall I support the initiative called for in the resolution but the "where as" arguments are focused on risk to physician health from Covid. I am having a hard time linking the Resolved to the Whereas arguments.

The alternatives Need to be spelled out. Otherwise this is just another double-speak document

support

Definitely needs alternative forms like having a professional panel reviewing the validity of the claims rather than a single physician who does it for the money.

Support. Indiana has a much better system that could provide a framework.

The only resolved is vague. As noted the ISMS has spent extensive time in the past working on this issue and passing similar resolution at its HOD meetings. What's to add?

This is a waste of time since how WE feel about litigation has nothing to do with the how the LEGAL system feels. To make any change would require the bar associations to have an interest in another system.

I agree with researching this. The medical liability in Illinois has a reputation of being one of the worst in the country as far as probability of being sued, plus the damages paid on behalf of physicians. Having been sued myself by a patient, the process of researching & defending the case lasted for a few years. The plaintiff I believe wished to have her medical bills paid by my medical malpractice company. The hospital settled with the patient right before trial & I was released from litigation. ISMIE does a great job of defending practitioners from lawsuits, but the traditional way is expensive, drawn out & very harmful for the mental health of the accused practitioner

Remove Illinois trial lawyer incentives. Only this will decrease the number and amount of claims. Good luck with that.

I agree with this resolution

The whereas clauses seem to specifically point to the coronavirus pandemic, but the sought resolved clause seems overly broad in comparison. I would have liked to see more data or examples to support the proposed policy.

It might make sense to invite plaintiff's attorneys to join us in this. Malpractice suits are huge gambles for them and alternative dispute resolution potentially is to their advantage as well as ours.

COVID as nigh to do with this and the pandemic is well over. This isn't the first months of COVID. Or knowledge has made his scourge far less a threat

AGREE

I am not sure it is to done under the pretext of pandemic. The liability pandemic has infested this country for a long time and half hearted attempt by physicians their organizations have failed miserably. Our organizational strength is a matter of pity ! No one will listen to us.

Adopt Indiana Med Mal method in entirety.

Understand the concept, but not sure ISMS is the one who should be exploring. Could be cost prohibitive and might want to get insurers on board such as ISMIE. It could be sent to an ISMS committee to see what has been done in other states and also pass to AMA for national level input.

Illinois has one of the worst reputations in the country for malpractice. Anything that would help should be supported.

The resolved is okay though somewhat vague. Most of the whereas clauses do not seem relevant.

Agree -each physician and his reps need to know if/when better approaches exist/

True no fault indemnification would serve both patients and physicians well.

It would be naive not to acknowledge the fact that personal injury attorneys are entrenched within the judicial and legislative branches. The allowable percentages for attorney capture are set by the judiciary--especially those at state supreme court who have received substantial campaign contributions. All interactions that place physicians in opposition to trial lawyers pose an uphill battle because the entrenched legislators come predominantly from the legal profession. As one might guess, the process has been self-perpetuating

It looks like we have tried to address this previously. We need protection from the direct interference with our daily decisions. I doubt we can markedly impact the structure of medical liability.

I am in agreement after watching another delay in a malpractice trial right after seating the jury because a juror and lawyer got covid. This case is over 7 years old and now will be continued even longer putting a huge burden on the providers to take more time off work and spend more money in legal fees.

## Q2. Research Alternative Dispute Resolution for Professional Liability Claims

### Response Text

Other (Please specify) : Once again, Malpractice premiums are rising and causing significant hardship on providers. Private practice providers are especially vulnerable to this significant increase in overhead costs. This comes at a time when we are facing burnout, staff shortages, Covid related losses and other serious drops in reimbursement. It is time to reconsider alternative resolution models to medical malpractice claims

Other (Please specify) : Please see my comments.

Other (Please specify) : Don't we think that ADR would accomplish more educational and public health benefit than our current Tort system, which seeks only to punish?

Other (Please specify) : ISMS should study alternative methods of dispute resolution in other jurisdictions

Other (Please specify) : See above.

Other (Please specify) : See comment anove

Other (Please specify) : See above

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