

A DAY WITH THE JUDGES

- Medical, Hospital, MCO & Product Liability Issues -

Presented by



**The American Board
of Legal Medicine**



**The American College
of Legal Medicine**

- Joint Sponsored by -



**The Oklahoma State
Medical Association**



PHYSICIANS LIABILITY INSURANCE COMPANY



October 30, 2009

Friday, 7:45am - 4:00pm

3300 NW Expressway

Oklahoma City, Oklahoma

Integrus Health: Baptist Medical Center

Conference Center:

Auditorium Mabee Foyer

Accreditation Statements:

This activity has been planned and implemented in accordance with the Essential Areas and policies of the Accreditation Council for Continuing Medical Education (ACCME) through the joint sponsorship of the Oklahoma State Medical Association and the Physicians Liability Insurance Company (PLICO). The Oklahoma State Medical Association (OSMA) is accredited by the ACCME to provide continuing medical education for physicians.

The OSMA designates this educational activity for a maximum of 7 AMA PRA Category 1 Credits™. Physicians should only claim credit commensurate with the extent of their participation in the activity.

This course has been approved by the Mandatory Continuing Legal Education Commission of Oklahoma for a maximum of 8.00 credit hours, of which 1.0 hour is credit covering professional responsibility, legal ethics, or legal malpractice prevention.

Approved for credit toward the PLICO Risk Management premium discount.

Faculty Disclosure: No faculty has any relevant financial relationships to disclose.

CME Planning Committee: Has no relevant financial relationships to disclose.

PROGRAM COMMITTEE

Chairman: S. Sandy Sanbar, MD, PhD, JD, FCLM

Co-Chairs: The Honorable Justice Marian P. Opala, Supreme Court of Oklahoma
Nazih Zuhdi, MD

Members: Ken King – CEO/Executive Director, OSMA
Carl Hook, MD
Tomas Owens, MD
Kent T. King, MD

Sandy Deeba, CME Manager
Melissa Johnson
Arnora Parish

SCHEDULE OF EVENTS

7:00 – 4:00 p.m. Registration and Information Desk Open
7:00 – 9:00 a.m. Continental Breakfast
7:45 – 8:00 a.m. Welcome and Announcements
S. Sandy Sanbar, MD, PhD, JD, Program Chair, Chairman, ABLM
Melvin A. Shiffman, MD, JD, FCLM, President, ACLM
Kent T. King, MD, President, OSMA
Carl Hook, MD, President and CEO, PLICO
Stanley F. Hupfeld, FACHE, CEO, Integris Health

SESSION I

Moderators: The Honorable Justice Marian P. Opala, Oklahoma Supreme Court and Nazih Zuhdi, MD

8:00 – 10:45 a.m. **PANEL: Medical, Hospital & Product Liability Issues**
(25 Minutes per Speaker; 40 minutes Questions & Answers)

Medical, Hospital & MCO Negligence Theories

The Honorable Judge Bryan C. Dixon

At the end of this presentation, participants will:

- a. Understand the difference between ordinary and malpractice negligence; Statutory (*per se*) negligence and gross negligence; and *res ipsa loquitur* (The thing speaks for itself); and
- b. Learn about Informed Consent and Informed Refusal issues.

Liability of Surgeons

Melvin A. Shiffman, MD, JD, FCLM, President, ACLM

At the end of this presentation, participants will:

- a. Understand the surgical situations that lead to surgical malpractice; and
- b. Learn how to practice surgery in a safe and standardized manner to achieve the best surgical outcomes and avoid surgical errors.

Medical Product Liability: Implantable Devices

The Honorable Judge Kenneth L. Buettner

At the end of this presentation, participants will:

- a. Understand the theories that underlie products liability cases; and
- b. Learn about recent caselaw which deals with implantable medical devices.

Expert Medical Testimony: Ethics & Liability

The Honorable Judge John Fischer

At the end of this presentation, participants will:

- a. Understand the differences between types of medical witnesses, and the rules of admissibility of expert medical testimony; and
- b. Learn about medical malpractice cases and the importance of expert testimony.

Medical Malpractice Trials – Perspectives on Law & Ethics

The Honorable Judge Noma D. Gurich

At the end of this presentation, participants will:

- a. Understand how a medical malpractice trial is conducted, the behavior of the parties and the expert witnesses during trial; and
- b. Learn from a highly experienced in one judge about her personal observational pertaining to the ethical conduct of witnesses during medical malpractice trials.

10:45 - 11:00 a.m.

-- BREAK --

11:00 – 11:30 a.m.

Hospital & MCO Policy in the Next Decade

Stanley F. Hupfeld, FACHE, CEO, Integris Health

At the end of this presentation, participants will:

- a. Understand the policies governing the practice of medicine and a hospital setting as well as in a managed care organization; and
- b. Hear from a distinguished Chief Executive Officer difference his views concerning health care policy during the next decade.

11:30 – 12:00 p.m.

Medical Staff and Hospital Liability, Joint and Several

The Honorable Richard S. Wilbur, MD, JD, FCLM

Chairman, ACLM Judicial Council, Past President, ACLM

At the end of this presentation, participants will:

- a. Understand the difference between medical staff and hospital liability issues, including quality considerations in; and
- b. Differentiate between joint and several liability.

12:00 – 1:00 p.m.

-- LUNCH BREAK --

SESSION II

**Moderators: Kent T. King, MD, OSMA President
and Carl Hook, MD, President & CEO, PLICO**

1:00 – 1:30 p.m.

Landmark Malpractice Decisions of the Oklahoma Supreme Court

The Honorable Justice Marian P. Opala

At the end of this presentation, participants will:

- a. Understand the situations that lead to a summary dismissal of the lawsuit, that is without trial; and
- b. Comprehend the doctrine of *res ipsa loquitur* (*The thing speaks for itself*).

1:30 – 4:00 p.m.

PANEL: Incompetency, Involuntary Treatment & Criminal Negligence

(20 Minutes per Speaker; 45 Minutes for Questions & Answers)

Involuntary Treatment of Children

Rita Raman, MD, MS, JD, CNS, MACN, FCLM

At the end of this presentation, participants will:

- a. Understand how children should be treated, who makes the decision on behalf of the children; and
- b. Comprehend situations where involuntary treatment is administered to children one one one.

Adult Involuntary Commitment Law

The Honorable Judge Donald L. Easter

At the end of this presentation, participants will:

- a. Understand the mechanism by which an adult may be committed for medical treatment involuntarily; and
- b. Learn about the difference between an emergency order for detention and a protective order.

The Oklahoma Guardianship Act

S. Sandy Sanbar, MD, PhD, JD, FCLM

At the end of this presentation, participants will:

- a. Understand the types of Guardians, and the process by which a Guardian is elected; and
- b. Learn about the duties and responsibilities of the Guardian toward the Ward, the adult individual who is adjudicated incompetent.

Involuntary Treatment of Adults

Brandon W. Schader, M.D., Psychiatrist

At the end of this presentation, participants will:

- a. Understand the process that the psychiatrist goes through in determining whether or not an individual is incapacitated; and
- b. Learn about the medical evidence required by a judge to determine that an individual is incompetent.

Unethical, Negligent & Criminal Conduct

Curtis E. Harris, MD, MS, JD, FCLM

At the end of this presentation, participants will:

- a. Understand the difference between the types of medical negligence and criminal medical negligence; and
- b. Learn about the consequences of criminal medical conduct, particularly with respect to medical licensure.

Liability of Psychiatrists for Involuntary Treatment

Jenny Boyer, M.D., Ph.D., J.D., Psychiatrist

At the end of this presentation, participants will:

- a. Understand the situations when a patient needs involuntary treatment; and
- b. Learn about some difficult cases encountered when treating such individuals involuntarily.

4:00 p.m.

-- ADJOURN --

GLOBAL OBJECTIVES

Learning Objectives at the end of the program - the Physician should be able to:

- Comprehend the causes of medical, Hospital and MCO malpractice, and Product Liability.
- Appreciate the methods and techniques utilized by judges in resolving malpractice lawsuits and appeals.
- Understand the limits of expert medical testimony, disclosure of medical record, hospital and MCO liability.
- Know the law of mental health, involuntary commitment, involuntary treatment, criminal malpractice conduct, and conflicts between physician and hospital insurance companies.

In-Kind Support

I N T E G R I S
Health[®]

The Oklahoma State Medical Association, PLICO, The American Board of Legal Medicine and The American College of Legal Medicine would like to thank Integris Health for their In-Kind Support by providing the conference facility and lunch for all speakers and participants.