



Legal Navigator Services

Direct support to manage legal situations in health care



Health care abounds with ever-changing rules, regulations, and requirements that are difficult to monitor. That's why we offer COPIC Legal Navigator—services designed to help insureds understand legal and regulatory elements and how these impact their medical practice or facility. Access is available when the need arises: call us, learn with us, and engage in one of our on-site programs.

LEGAL EXPERTS

COPIC's legal experts know health care and how to navigate issues with confidence. Examples of key areas where we offer support includes:

- Advance Directives
- EMTALA
- Documentation
- Medical Records
- Telemedicine/Telehealth
- Legislative Updates
- Liability with Allied Health Professionals
- Informed Consent
- Fraud and Abuse
- Subpoenas
- HIPAA
- Peer/Professional Review
- Compliance Issues

COPIC has the expertise you need on both the state and federal levels for legal and regulatory requirements. And when appropriate, we can provide referrals to attorneys for one-on-one consultations (separate, private pay).

COPIC LEGAL HELPLINE

We've added a direct line for you to call when you're unsure. Got a question about a complicated health care topic? Not sure about how to proceed with an issue or concern? Call **(800) 421-1834, ext. 6030** to connect with a member of the COPIC legal team; available from 9am–5pm (Mountain Time), Monday through Friday.

LEGAL SEMINARS, ON-DEMAND COURSES, AND WEBINARS

Boost your knowledge with up-to-date information. Throughout the year, we offer educational activities that focus on key legal topics. Participation may apply toward an annual COPIC points premium discount and also qualify for CME credits. Here's a sample of our popular topics:

- Defending a Medical Liability Case
- Informed Consent
- Physician Advertising
- Risk and Liability Issues Regarding Minors
- Electronic Medical Records: Discovery & Liability Issues
- Fraud and Abuse
- Social Media and Liability Issues
- Telemedicine
- HIPAA

CONTINUED ON PAGE 2

INSIDE



2

NEW PUBLICATIONS AVAILABLE



3

COPIC WELCOMES NEW BOARD MEMBERS AND POLICY HOLDER SERVICES DIRECTOR

In addition, we offer on-site, customized seminars to address specific topics of concern. Call (720) 858-6131 for information about the presentations available.

MOCK TRIALS

This unique, interactive program offers an inside look at the courtroom proceedings that occur during a medical liability trial. Each program presents an enactment of an actual trial featuring members of COPIC's Defense Team, Legal and Risk Management & Patient Safety departments as well as practicing physicians. Attendees serve as jury members, returning a verdict after hearing testimony from the plaintiff, expert witnesses, and the defendant.

UPCOMING MOCK TRIALS

Denver, CO: August 22, 6-9pm, COPIC

Lincoln, NE: August 15, 6-9pm, Lincoln Med. Edu.

Visit www.callcopic.com/education to register or for more information.

MOCK DEPOSITIONS

The probability of a health care provider testifying in a deposition is much higher than a trial. This innovative program provides an in-depth look at the important considerations in depositions, and helps providers prepare for these situations by making them aware of what to expect.

COMPLIANCE WELLNESS CHECK (Colorado)

This pilot program is designed to help identify the more common compliance and regulatory problems that medical practices or facilities face. On-site reviews are designed to uncover concerns (known and unknown) and develop an action plan to address these with support from COPIC. This allows for the opportunity to correct any issues early on and avoid potential issues that could arise.

Legal Navigator services are available to COPIC-insureds at no additional cost. Call (800) 421-1834, ext. 6030 to connect with a member of the COPIC legal team and take advantage of these value-added services.

PLEASE NOTE: Information provided through COPIC Legal Navigator Services is for general education purposes and not intended as legal advice or to provide practice standards. By providing this general legal information, neither COPIC nor its attorneys intend to form an attorney-client relationship with the policyholder.

NEW PUBLICATIONS AVAILABLE

2018 ANNUAL REPORT

Each year, COPIC releases our annual report to highlight accomplishments, keep stakeholders informed, and recognize the support we receive from our partners. This year's report includes details about our CEO transition, market expansion, new medical association endorsements, highlights from the COPIC Medical Foundation, and more.



- ➔ An electronic version of the report is now available for download at www.callcopic.com/about-copic/newsroom.
- ➔ To request a hardcopy, please email kkumlin@copic.com.

2019 COPIC EDUCATION CATALOG

We've added new seminars and programs to our extensive offerings on a range of topics that are immediately applicable. Download the 2019 COPIC Education Catalog to see which suit your needs. You'll find a comprehensive list of education activities, descriptions, length of time to complete, associated COPIC points/CME credits, and more.



- ➔ Download a copy at www.callcopic.com/professional-education
- ➔ Interested in scheduling a seminar at your practice or facility? Contact Carmenlita Byrd at cbyrd@copic.com or (720) 858-6131.
- ➔ To view a current listing of upcoming seminars and courses, please go to www.callcopic.com/education.

COPIC WELCOMES NEW BOARD MEMBERS AND POLICYHOLDER SERVICES DIRECTOR



After serving as faculty consultants, COPIC is proud to welcome Sophia Meharena, DO, and Rebecca Vogel, MD, to our Board of Directors. Dr. Meharena is a pediatrician who practices at Every Child Pediatrics, and has privileges at Medical Center of Aurora and North Suburban Medical Center. Dr. Vogel is a general surgeon with Surgical Specialists of Colorado. We are very excited to have these two on our Board and the wealth of knowledge and experience they bring to our leadership team.



SOPHIA MEHARENA, D.O.

REBECCA VOGEL, M.D.



COPIC's Board of Directors and physician advisors represent over 18 different medical specialties; they also serve in leadership roles, such as medical directors and department chairs, at multi-specialty groups, hospitals, and health care systems.

JENNY ELLIS

Account Services Director

Jenny manages the services



COPIC offers in all markets, including the expansion of services into new markets and custom accounts. Jenny will also work with departments to identify and uphold COPIC's high level of customer service. Prior to joining COPIC, she was the Vice President, Customer Services at Delphi and has a background in consulting, and IT and project management (including a former stint as COPIC's Chief Information Officer).



WEBSITE RESOURCE: MEDICAL GUIDELINES AND TOOLS

COPIC offers valuable resources in the Medical Tools and Guidelines section of our website. (Login with username and password is required to access this information.) Insureds can easily download and utilize the following items:

CLINICAL GUIDELINES

Key guidelines for medical procedures/specialties.

OPIOID RESOURCES

Guidelines for providers prescribing and managing opioids.

CONSENT FORMS

Consent forms that can be customized for specific situations.

HR RESOURCES LIBRARY

Useful HR resources such as job descriptions and common HR forms.

HIPAA FORMS AND MATERIALS

Forms, checklists and other materials for HIPAA compliance.

PRACTICE MANAGEMENT RESOURCES

Resources that cover common issues that practices face.



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COPICNEWS

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INSIDE

- 1 INTRODUCING: LEGAL NAVIGATOR SERVICES
- 2 NEW PUBLICATIONS AVAILABLE
- 3 COPIC WELCOMES NEW BOARD MEMBERS AND POLICY HOLDER SERVICES DIRECTOR

Did you miss a previous edition of COPIC newsletters?
Don't worry. A full archive of past newsletters
can be accessed on callcopic.com.

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COPIC Insurance Company

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Fax
877/263-6665

24/7 Risk Mgmt. Hotline
720/858-6270 or 866/274-7511

To Make an Incident Report
720/858-6395

Legal Department
720/858-6035

Claims Department
720/858-6157

**Patient Safety & Risk
Management Department**
720/858-6396
720/858-6003 (fax)

Sales Department
720/858-6186

Credentialing
720/858-6160

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Connect with COPIC  



THE LEGISLATIVE LANDSCAPE

COPIC FIGHTS FOR ACCESS TO SAFE, QUALITY HEALTH CARE DELIVERY

The General Assembly is near adjournment for the 2019 legislative session. There have been many health care bills this year aimed at addressing the cost of health care and other issues. As COPIC reviews the many health care related bills, it remains committed to monitoring and engaging on bills that impact access to care and the delivery of safe, quality care; a few of those are highlighted below.



SENATE BILL

193

SUNSET OF THE COLORADO MEDICAL PRACTICE ACT

The Colorado Medical Practice Act (MPA) Sunset bill proposes to reauthorize and extend the Act until 2026. The MPA established the Colorado Medical Board to regulate the practice of medicine and includes laws controlling the licensing and practice of physician assistants (PAs) and anesthesiology assistants (AAs) in addition to the licensing standards for medical doctors and doctors of osteopathy.



SENATE BILL

201

OPEN DISCUSSIONS ABOUT ADVERSE HEALTH CARE INCIDENTS

The bill establishes a Candor program, promoted by the U.S. Department of Health and Human Services' Agency for Healthcare Research and Quality, which allows for a new approach in dealing with unexpected outcomes that creates a voluntary alternative to the current tort system. This approach focuses on addressing patients' needs and may lead to a financial resolution in certain cases. Candor promotes open discussions, so patients and their loved ones can understand what happened and what steps may be taken to prevent similar outcomes. The invaluable perspectives of patients and their families

can then be included when educating students, residents in training, and practicing health care professionals, a key component to learning and improving.



SENATE BILL

234

SUNSET OF THE COLORADO PROFESSIONAL REVIEW ACT

The Colorado Professional Review Act (CPRA) Sunset bill proposes to reauthorize and extend the Act until 2030. CPRA, which allows for the review of health care professionals' qualifications and competence, quality and appropriateness of patient care, or professional conduct, is up for review this session as part of a periodic review process. The legislature must pass legislation for CPRA to continue the protections for the reviews as well as the participants and those serving on the committee. CPRA requirements include:

- ▶ Registration with the Colorado Department of Regulatory Agencies (DORA) in order to receive the privileges;
- ▶ Annual reporting of aggregate peer review activities; and
- ▶ Updating of contact information.

At the time of publication of this newsletter, CPRA was still awaiting a hearing in the legislature.

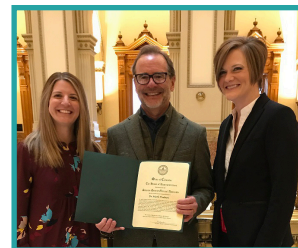
Maintaining a stable tort environment, protecting the MPA and PRA, and supporting programs like Candor are paramount issues for COPIC. Monitoring the final days of the legislature and keeping you informed on how these will impact you are COPIC's top priority. For information on legislation visit us at www.callcopic.com and go to the Legislative Action Center link under the Key Resources section at the bottom of the homepage.

If you have questions about COPIC's legislative and policy engagement efforts, contact Beverly Razon, Vice President of Public Affairs, at (720) 858-6056 or brazon@copic.com.

For information on legislation or to find your representative, visit us at www.callcopic.com and go to the Legislative Action Center link under the Resource Center section.

2018 COPIC Humanitarian Award—Dr. Mark Paulsen

For nearly 30 years, Dr. Mark Paulsen, a family practice physician, has passionately committed his life and his work to the betterment of his community. He served as the volunteer medical director at Granby Ranch Ski Patrol and YMCA: Snow Mountain Ranch Ski Patrol donating his time to ensure that the first responders are well trained and that their protocols are clinically sound. Additionally, Dr. Paulsen volunteers with the Grand County Search and Rescue, as well as aiding surrounding communities by volunteering to help form coalitions of their own. For this, and many other reasons, he was chosen as the recipient of the 2018 COPIC Humanitarian Award in honor of Harold E. Williamson.



The Humanitarian Award recognizes a physician going above the call of duty in the Colorado health care community. Dr. Paulsen has volunteered as chief of staff, chief medical officer and, most recently, medical director at Kremmling Memorial Hospital District's clinics.

Dr. Mark Paulsen chose the Middle Park Medical Foundation as the beneficiary of the \$10,000 grant associated with the Award. The Middle Park Medical Foundation works to

improve health care in and around Kremmling, Colorado through donations, volunteerism, scholarships, and other charitable means.

In March 2019, Dr. Paulsen was recognized at the state capitol, where he was introduced before the Colorado General Assembly. He was accompanied by his wife, Heather, his sister, Susan Paulsen as well as Jason Bryan, executive director of the Middle Park Medical Foundation.

His nomination form noted, "Rural hospitals often have limited financial resources and these additional duties were regularly unpaid. He took on these duties without complaint to ensure the prosperity of the hospital district and that the quality of healthcare for [Grand County] was sustainable."

PRACTICE ADMINISTRATOR MEETINGS

Join us for our next practice administrator meeting to connect with other practice staff and learn about timely topics. The meetings are hosted at COPIC's Denver office from 11:30am-1pm (MDT) with lunch provided.

• WEDNESDAY, JULY 24

Legislative Update: COPIC Public Affairs Department

• WEDNESDAY, NOVEMBER 13

HIPAA Protections: COPIC Legal Department

Can't make it in person?

Call and connect through our video conferencing services to watch and participate remotely. Please contact Diane Laff at (720) 858-6165 or dlaff@copic.com for more information.

NOMINATE A PHYSICIAN FOR THE COPIC HUMANITARIAN AWARD

Do you know a Colorado physician who deserves to be recognized for going beyond the scope of practice to improve lives in his or her community? If so, please consider nominating him or her for our annual COPIC Humanitarian Award.

Nominations are being accepted May 1 through August 31, 2019. The award provides a \$10,000 grant to be given to a Colorado health care-related nonprofit organization of the recipient's choice.

To nominate a physician, visit COPIC Medical Foundation at www.copicfoundation.org and select "COPIC Humanitarian Award," or email Meredith Hintze at mhintze@copic.com.

LAWSUIT STRESS SUPPORT SESSION

COPIC developed the Lawsuit Stress Support Session to encourage COPIC insureds, their spouses, and staff to share their experiences in dealing with the effects of a claim or lawsuit. Attendees learn what to expect from a claim or lawsuit and are given time to openly discuss their feelings with people who have been "in their shoes."

Date: Thursday, June 6, 2019

Time: Program starts at 6pm

Location: COPIC, Denver, CO

To RSVP, please contact Cathi Pennetta at cpennetta@copic.com or (720) 858-6157.

Participation is confidential and attendees often benefit from the sharing of experiences with peers. Additionally, insureds earn COPIC points for attending.



THE LEGISLATIVE LANDSCAPE

COPIC SUPPORTS MOVES TO EXPAND PATIENT SAFETY

The Unicameral has just over a month left of its 120-day legislative session. Over the last four months, COPIC has reviewed and supported legislation aimed at improving patient safety in the state. A few of those bills are highlighted below.



LEGISLATIVE BILL

119

The bill, passed unopposed by the Unicameral, provides for confidentiality of records and immunity from liability for professional health care service entities involved in peer review, including physician practices. The Health Care Quality Improvement Act (HCQIA) currently allows for these reviews in licensed health care facilities, and providers with privileges at these facilities. These facilities have utilized peer review committees to provide oversight and improve care delivery every day. This bill makes this learning through confidential reviews available to all professional health care service entities. COPIC is acutely aware of the patient safety improvements that result when a culture of reporting adverse outcomes and near misses for learning; where health care providers are encouraged to review their peers; and where lessons learned are shared with others exists. COPIC worked to support the bill proponents—the Nebraska Medical Association, and sponsor, Senator John Arch.



LEGISLATIVE BILL

365

The bill creates the Health Care Directives Registry Act, which requires the Department of Health and Human Services (DHHS) to establish and maintain access to a secure portion of the DHHS website that provides an electronic reproduction of advance health care directives that can be retrieved from the website. Access to the website is only allowed to those who are registered with a password and access to the advance health care directive is:

- ▶ Required pursuant to a lawful court order;
- ▶ Requested by the registrant/legal representative;
- ▶ Requested by the Public Guardian;
- ▶ Requested by an EMS agency to provide medical care to the registrant; or
- ▶ Requested by a health care provider for providing health care to the registrant.

The bill creates some obligations on a provider who completes a copy of an advance health care directive to submit a copy of the directive if the patient/patient's decision-maker chooses to participate in the registry, however this burden is outweighed by the benefit of having ready access to the directives when needed to assist with treatment decisions. The bill remains in committee.



LEGISLATIVE BILL

489

The bill requires each credential holder under the Uniform Credentialing Act to register with the DHHS for the prescription drug monitoring system if the credential holder is a dispenser or prescriber. The DHHS shall establish a system of registration. The bill remains in committee.

To learn more about COPIC's legislative and policy engagement efforts, contact Beverly Razon, Vice President of Public Affairs, at (720) 858-6056 or brazon@copic.com.

For information on legislation or to find your representative, visit us at www.callcopic.com and go to the Legislative Action Center link under the Resource Center section.



NOMINATE A NEBRASKA PHYSICIAN FOR THE COPIC HUMANITARIAN AWARD

Each year, COPIC honors a Nebraska physician for his or her volunteer medical services and contributions to the community outside of their day-to-day lives. Please nominate a worthy candidate for this award.

The recipient of the award directs a \$10,000 grant from the COPIC Medical Foundation to a 501(c)(3) organization of the recipient's choosing to fund ongoing efforts to deliver and/or improve health care. We established this award in remembrance of Harold E. "Hal" Williamson. His encouragement and active participation led to the establishment of the COPIC Medical Foundation.

The nomination deadline for this year's award is **May 30**. Visit www.copicfoundation.org to download a nomination form, or email Meredith Hintze at mhintze@copic.com for more information.

A GUIDE FOR LAW ENFORCEMENT INTERACTIONS

Health care providers may experience interactions with law enforcement personnel that create uncertainty around their responsibilities to patients, including the duty to protect patients' privacy. Law enforcement personnel are tasked with ensuring public safety and conducting criminal investigations. When these duties intersect as they relate to patients in the health care system, providers should understand how to meet their obligations while respecting the requests of law enforcement personnel.

COPIC recently released "Law Enforcement Interactions—Guidance for Health Care Providers in Nebraska," a booklet designed to help insureds understand and navigate these situations. The booklet covers how protected health information (PHI) and disclosures under HIPAA influence what providers should consider. It also provides details on mandatory reporting requirements under Nebraska laws for scenarios such as sexual assault, child abuse, and patient testing.



To download a copy of "Law Enforcement Interactions—Guidance for Health Care Providers in Nebraska," go to the Practice Management Resources section in our Resource Center at www.callcopic.com/resource-center/guidelines-tools. (Username and password are required to access this information.)

THANK YOU TO ALL WHO ATTENDED THE 2019 Symposium AND MADE IT A GREAT EVENT!



This annual event featured local and national speakers on the cutting edge of their fields who shared important information to empower the participants with best practices to improve patient safety and mitigate risk in their practice settings.

More than 250 people participated in the 2019 Symposium. Seminar topics included:

- ✓ Designing safety into health care systems
- ✓ Applying safety science to patient safety
- ✓ Health information technology usability and safety
- ✓ Understanding health equity and the needs of patients
- ✓ Interactions between patients, providers, health systems, and health IT

SAVE THE DATE 2020 Symposium

The 2020 Patient Safety and Risk Management Symposium will take place April 23 & 24, 2020. Be sure to mark your calendar so you can arrange to attend this valuable event.