

INTRODUCTION

The 3Rs Program is an early intervention, patient-centered approach for addressing unexpected medical outcomes in a way that attempts to preserve the physician-patient relationship and reimburses the patient for medical expenses related to the unexpected outcome. 3Rs stands for Recognize, Respond, and Resolve. A determination of negligence is not part of the program process. Detailed review of records and the use of experts to determine whether or not negligence occurred are not performed in these events.

The 3Rs Program has two components:

- ▶ A physician-patient interaction process triggered by a qualifying incident report and facilitated by COPIC Patient Safety and Risk Management staff.
- ▶ The reimbursement component is separate from your medical professional liability coverage. Funds are made available to reimburse the patient, subject to the following limits:
 - Maximum recognition for additional recovery time is 50 days at \$200 per day/5 days per week, or \$10,000.
 - The total maximum for all reimbursements, including out-of-pocket medical expenses and recognition for additional recovery time, is \$50,000.

The 3Rs Program is part of COPIC's continuing quest to improve quality of care and to address the needs of patients who have experienced an unexpected medical outcome during the course of medical care. However, it is NOT a goal of the program to interfere with any litigation or third-party claim process.

Participation in the 3Rs Program is voluntary. Physicians must report the incident to COPIC for 3Rs consideration.

Physicians already participating in the program can earn points for attending a 3Rs disclosure seminar or workshop.

These points count toward the COPIC points balance that physicians earn every year to maintain preferred premium status, which carries an associated premium discount. Please see your COPIC Points Program booklet for more information.

3Rs PROGRAM GOALS

- ▶ Maintain the physician-patient relationship.
- ▶ Encourage open and honest communication, including disclosure of unexpected outcomes.
- ▶ Encourage expressions of concern, including an apology where appropriate.
- ▶ Address patients' needs at a crucial time.

EXCLUSIONS (INELIGIBLE INCIDENT TYPES)

- ▶ Patient death
- ▶ Attorney involvement
- ▶ Request for action from state licensing board
- ▶ Summons and Complaint or Notice of Claim
- ▶ Written demand for compensation
- ▶ Medicare patients

KEY PROGRAM POINTS FOR THE PHYSICIAN

- ▶ **Do not tell** patients about the 3Rs Program before reporting the incident to COPIC and discussing the incident with a Nurse Specialist.
- ▶ Do not make "promises" on COPIC's behalf with regard to reimbursements.
- ▶ In communicating with patients about the 3Rs Program (or offering the 3Rs Program):
 - The physician must speak directly to the patient face to face or on the phone; do not delegate this responsibility.
 - Do not leave a voice message or send a text.
 - Do not send a letter, email, or portal message.
 - Do not leave a message with a family member or significant other.
 - The Nurse Specialist will provide to the physician 3Rs Program contact information to share with the patient.

PHYSICIAN RESPONSIBILITIES

- Report the incident to a COPIC Nurse Specialist when an unexpected outcome occurs, per COPIC's usual reporting process.
- Request 3Rs consideration upon reporting the incident.
- Be available to discuss the case.
- Provide COPIC with information as requested.
- Maintain the physician-patient relationship if possible; this means continued open and honest communication with the patient.
- Be committed to work with COPIC to identify and implement any necessary changes to reduce the likelihood of the same type of incident from happening to another patient.
- Be willing to participate in COPIC's educational seminars (including "Managing Unanticipated Outcomes") and 3Rs informational videos.
- Contact the Nurse Specialist with case updates.

COPIC'S RESPONSIBILITIES

- Review the incident at the time of reporting and determine whether an incident possesses the qualities necessary to trigger the 3Rs Program.
- Coach and help prepare you for interactions with the patient.
- Work with you to determine what changes, if any, are necessary to reduce the likelihood of the same outcome with future patients.
- Explain program benefits to the patient and provide them with program literature.
- Determine which of the patient's expenses are eligible for reimbursement.
- Coordinate the reimbursement of the patient's eligible expenses.
- Review 3Rs matters periodically for continued assistance in the 3Rs Program.
- Communicate in a timely fashion with all parties and facilitate, to the extent possible, a satisfactory resolution for all involved.

THE PHYSICIAN-PATIENT INTERACTION

It's easy to see that honest, open communication and a commitment to correction are at the core of patients' expectations following an unexpected medical outcome. The more your actions conform to these expectations, the more satisfied the patient will be and the less likely he or she will be to instigate a punitive action—whether that's choosing another physician or filing a lawsuit. Conversely, the more your actions diverge from patient expectations, the greater the endangerment to the physician-patient relationship.

COPIC has learned that early and honest interaction with patients who experience unexpected medical outcomes or complications relieves much of the anger and frustration that result in claims and suits.

In communicating with patients, the physician's role is to:

- Explain the unexpected outcome.
- Express concern, sympathy, empathy, and, where appropriate, apologize.
- Outline expected short- and long-term effects.
- Explain any additional treatment or rehab that may be required.
- If applicable, explain the steps you will take in your practice to reduce the future likelihood of the unexpected outcome.
- Answer any related questions the patient may have.

This interaction is not intended as a confession or admission of error on your part. The purpose is to use open, honest communication to address the unexpected outcome and answer the patient's questions about his or her medical condition.

WHAT TYPES OF INCIDENTS SHOULD I REPORT?

The reporting guidelines for the 3Rs Program are the same as reporting incidents related to your medical professional liability insurance coverage with COPIC.

You should call COPIC:

- Any time a patient experiences a significant unexpected outcome, regardless of the economic potential, or his or her insurance status.
- Any time a patient or a patient's family expresses extreme anger or dissatisfaction.

Please report incidents promptly. If the incident possesses the qualities necessary to be eligible for the 3Rs Program, the Nurse Specialist will discuss the case in more detail and decide if the situation lends itself to this intervention.

The initial physician-patient interaction following an unexpected outcome is crucial to the success of this intervention. The Nurse Specialist is available to coach and support the physician through this process. You may also need to make changes in your practice so that the unexpected outcome or complication will be less likely to occur again.

ARE REIMBURSEMENTS UNDER THIS PROGRAM REPORTABLE TO THE STATE LICENSING BOARD AND/OR THE NATIONAL PRACTITIONER DATA BANK (NPDB)?

No. The reimbursements do not constitute a payment of a claim and because no waiver or final settlement release is required of the patient, reimbursements are exempt from reporting to state medical boards. Because there is no attorney representing the patient and because no written claim or demand is presented, reimbursements are exempt from reporting to the NPDB.

CAN A PATIENT WHO RECEIVES REIMBURSEMENT THROUGH THIS PROGRAM STILL TAKE LEGAL ACTION?

Yes. Nothing in this program prevents a patient from taking legal action. The patient retains, at all times, his or her right to bring a liability claim or suit. Nothing will be asked of the patient—no releases, no waivers, no verbal promises not to bring suit, etc.

If a claim or suit does arise in respect to a patient who is currently receiving or has received reimbursements through this program, it will be handled like any other claim and will be subject to applicable state board and NPDB reporting requirements depending on its outcome. If the 3Rs file is open when legal action is initiated, the patient will no longer be eligible for benefits through the 3Rs Program.

**Please complete the Physician Agreement on the next page
to confirm your participation in the 3Rs Program.**

*** PLEASE REVIEW, SIGN, DATE, AND RETURN TO COPIC***

Email to cpennetta@copic.com or fax to (720) 858-6201.

You have agreed to participate in a program with COPIC called “3Rs—A COPIC Insurance Company Post-Incident Risk Management Program” covering medical complications and/or unexpected medical outcomes. This program is more fully described in the Physician Participation Manual.

The early intervention feature of this program (in the first 48-72 hours) is aimed at explaining an unexpected outcome or complication to your patient, expediting recovery, and providing possible reimbursement of certain out-of-pocket expenses incurred by your patient due to the complication without the determination of negligence.

Under this program, COPIC may reimburse patients for related out-of-pocket medical expenses because of an unexpected outcome or complication. COPIC may also recognize a patient for additional recovery time. In addition, it is important for you to realize that these monies will be reimbursed only after all other applicable private, self-funded, or governmental health plans have paid their full obligations to the patient and the patient has paid any remaining portion of the bills. In short, COPIC will only reimburse amounts paid by the patient in excess of payments made or to be made by the patient's existing coverage.

COPIC agrees to provide a Nurse Specialist to work with you and the patient to:

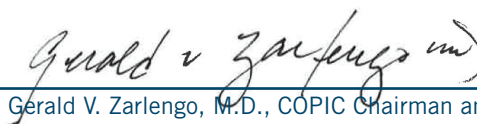
- Provide training and instruction.
- Aid in physician-patient communication as necessary.
- Maintain contact with you and the patient, as needed.
- Provide timely reimbursement of eligible expenses to the patient.
- Provide notification of case closure.
- Provide information and/or advice periodically on the program.

Your obligations and duties involve:

- Immediately notifying COPIC of unexpected medical outcomes (incidents should be reported within 24-48 hours of recognition).
- Communicating with the patient about the medical situation, follow-up, etc. A face-to-face meeting with the patient is encouraged.
- Reviewing additional treatment needs and options with all involved parties.
- Be willing to manage the charges within your ability to control related to the care and treatment of the unanticipated outcome.
- Remaining involved and in communication with your patient and COPIC during this process.
- Personally offering program assistance to your patient **ONLY** after speaking to a Nurse Specialist at COPIC. Do not delegate this responsibility.
- Contacting the Nurse Specialist for case updates, as desired.

We would like your complete cooperation and feedback so that we can increase both patient and physician satisfaction.

The Physician Participation Manual contains detailed information on the 3Rs Program. We ask that you call us if you need additional information. Let's continue to strive to give the best care possible to our patients.



Gerald V. Zarlengo, M.D., COPIC Chairman and CEO

Name of Physician (please PRINT)

Physician Signature

Date

Name on Physician's COPIC Policy (Policyholder)

**FOR COPIC
USE ONLY**

Effective date of coverage: _____

Policy number: _____