AHRO Awards $25M in Grants To Test Malpractice Reforms

BY MARY ELLEN SCHNEIDER

The Agency for Healthcare Research and Quality has awarded $25 million in grants to states and health systems to test various approaches to medical liability reform.

The grant awards follow through on a 2009 promise made by President Obama. In a speech to Congress last September, the president pledged to fund demonstration projects that would look at malpractice reforms that also improve patient safety.

The focus on patient safety is critical, said Dr. Carolyn Clancy, director of AHRO, because when physicians fear being sued, they are less likely to be open about potential errors, near misses, and avoidable harms, and that’s a major hurdle to improving patient safety in any organization.

“If you’re fearful and you’re worried about being sued, that has a very chilling effect on people’s willingness to step forward and say ‘we have a problem and we need to do something about it,’” Dr. Clancy said during a press briefing.

Call to Cover Contraception

Federal officials should make contraception one of the preventive services that private health plans will have to cover free of charge under health reform, says the Guttmacher Institute.

The Affordable Care Act mandates that, starting in September, all new private health plans must provide preventive care and screening for women, without copayments or other cost sharing. The law states that the preventive services will be determined by the Health Resources and Services Administration.

In 2009, the American Medical Association and other physician groups have been lobbying to get physicians excluded completely from the requirements. The American Medical Association warned that parents still might satisfy cultural requirements. The statement suggested that physicians in certain immigrant communities might substitute a pinprick of the clitoral skin for ritual genital cutting in order to satisfy cultural requirements. The statement suggested that physicians in certain immigrant communities might substitute a pinprick of the clitoral skin for ritual genital cutting in order to satisfy cultural requirements.

Doctors Retract ‘Nick’ Policy

The American Academy of Pediatrics, under fire for its position on female genital cutting, has withdrawn the statement and reiterated its “strong opposition” to the practice. In April, the journal Pediatrics published an AAP statement as a condition of payment. The American Society for Reproductive Medicine reports that assisted reproductive technology (ART) is already one of the most highly regulated practices in all of medicine. For example, ART falls under the purview of three federal agencies, the Centers for Disease Control and Prevention, the Food and Drug Administration, and the Centers for Medicare and Medicaid Services.

These agencies are responsible for collecting data on ART, regulating devices and tests of eggs and sperm, and ensuring the quality of laboratories. Self-regulation includes a reproductive-laboratory accreditation program and ethics and practice guidelines. However, the report concludes that oversight could be improved if health plans would agree to cover ART services. Then health plans could require that physicians comply with the ethics and practice guidelines as a condition of payment.

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The grants, which were announced on June 11, include 3-year grants to states and health systems of as much as $3 million. The $25 million pool also includes 1-year planning grants of as much as $500,000, and a $2 million grant to JBA/RAND Corp. to evaluate the projects.

Many of the demonstration grants will focus on early disclosure of errors and early offers of compensation. Dr. Clancy said the aim with early offers is not to short-circuit the system, she added, but to give both physicians and patients relief from a process that often drags on. Another common theme among the grants is to promote better communication among providers, patients, and families.

The results of these tests could lay the groundwork for the additional medical malpractice studies called for under the Affordable Care Act, which authorizes an additional $50 million over 5 years to fund more studies, Dr. Clancy said. A list of the projects is available at www.ahrq.gov/qual/liability/demogants.htm and at www.ahrq.gov/qual/liability/planninggrants.htm.

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ART Called Heavily Regulated

When a California woman gave birth to octuplets last year, some people cried out for a clampdown on assisted reproductive medicine in the United States. But the American Society for Reproductive Medicine reports that assisted reproductive technology (ART) is already one of the most highly regulated practices in all of medicine.

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