

# Professional Liability Update: Some Good News!

by Lisa Summers, CNM, DrPH  
ACNM Director of Professional Services

A year ago, I used this column to provide members with an update on the professional liability situation and had to temper the good news that coverage would still be available with the bad news that “premiums are likely to continue to rise.” I’m pleased to start this update with the news from Contemporary Insurance Services (CIS) that no increase in premium is anticipated in the coming year. We are continuing to work with AIG (the underwriter) to strengthen our risk management program. Many of you covered by CIS took part in a telephone seminar this spring and should watch your mail for future programs.

## Annual Meeting Risk Management Session

All members who were in Chicago, not just those who are insured by CIS, benefited from a fantastic risk management session sponsored by CIS and presented by Barbara Fildes, CNM and Jan Kriebs, CNM. The slides and handouts are on our Web site. There were countless “pearls of wisdom” in their talk, but the one that resonated most with me is that claims and lawsuits occur when there is “a failure in thought shift when a labor changes from one in which a good outcome will be experienced under almost any circumstances to one that calls for close monitoring and timely intervention. *The alarm bell*

Links to many of the resources mentioned above can be found on the Professional Liability web page – go to [www.midwife.org](http://www.midwife.org) and click “Continuing Education” and “Professional Liability Information;” National Arbitration Forum, [www.arb-forum.com](http://www.arb-forum.com); Sorry Works!, [www.sorryworks.net](http://www.sorryworks.net); and COPIC, [www.callcopic.com](http://www.callcopic.com)

*rings and no one hears it. Or, the alarm bell is heard, but responding to it is deemed too costly or burdensome for someone involved. It is treated as another false alarm and those present persist in the belief that everything will turn out fine.”* There are many practical strategies outlined in their materials – please review it!

## Tort Reform

With control of the 110th Congress in the hands of the Democrats, hopes for tort reform at the federal level have gone from slim to non-existent. There is more activity at the state level, with various states working on caps, “sorry” legislation and other options for relief from our costly tort system. Joanna King, ACNM State Policy Analyst, monitors that legislation and stands ready to provide information, advice, and strategy.

## Alternative Dispute Resolution

I spoke with members in Chicago who are working at the state level to establish programs for Alternative Dispute Resolution (ADR). ADR refers to any means of settling disputes outside of the courtroom. ADR typically includes arbitration, mediation, early neutral evaluation, and conciliation. Home birth midwives have led the way in exploring this option; a Sample Arbitration Agreement is in the ACNM Handbook, *Home Birth Practice*. At the federal level, we will be watching the **Fair and Reliable Medical Justice Act** (S.1481), a bill introduced “to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical tort litigation, and for other purposes.”

## Apology and Disclosure

There has been very positive press recently about the value of apology and disclo-

sure, and more health care professionals are receiving this practical training. The SorryWorks! Coalition has a host of resources on their web site. The 3 R’s (Recognize, Respond, Resolve) Program from COPIC is another good resource, and, according to their website, the COPIC Speakers’ Bureau is available to share information. A very practical book, “What Do I Say: Communicating Intended or Unanticipated Outcomes in Obstetrics” is available on ShopACNM.com (click on featured authors).

## “Rent-a-captive”

The ACNM Board of Directors has supported a feasibility study to investigate the option of a captive insurance company. While a captive or a risk retention group (RRG) provides some clear advantages to a group like midwives, it also requires a sizeable investment of capitol. Watch for further updates on this option.

## “Ports in the storm”

We continue our efforts expand opportunities for midwives. At the Annual Meeting, Daryn Dunbar, CNM, presented an excellent educational session on the hospitalist model and we passed around the article (written by ACNM staff) and published in *The Hospitalist*, the newsletter of the Society of Hospital Medicine. Leslie Ludka, CNM, our new Senior Technical Advisor, will be staffing our exhibit at the National Association of Community Health Centers (NACHC) meeting in August, continuing our presence at this important meeting and expanding opportunities for midwives in Federally Qualified Health Centers (FQHCs), where they are protected by the Federal Tort Claims Act (FTCA). The most recent data available from NACHC show that the number of CNM FTEs in

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# Participate in Midwifery Week by Providing Depression Screening for Women

by Lorraine B. Sanders,  
CNM, DNSc

**N**ational Midwifery Week, October 7-13, is an important event for midwives nationwide. Midwifery Week provides an opportunity for CNMs/CMs to increase awareness of what we offer to women and their families. Many midwives plan programs and events to take advantage of public relations opportunities to promote their practices in their local communities. These include events in hospitals, articles about their practices in local newspapers, and sponsoring and/or attending health fairs.

This year, as part of Midwifery Week, midwives should think about providing depression screenings to women at no charge on October 11, 2007, which is National Depression Screening Day. ACNM is a National Campaign Partner as part of the National Mental Health Association's Campaign for America's

Mental Health. The Campaign for America's Mental Health is a program developed to raise awareness of mental illness on a national and local level. Midwives have a vital role as primary care providers, educators, and advocates because women are at greater risk than men to suffer from depression. Studies have also shown that many women seek treatment for depression from their primary care provider. According to the United States Preventive Services Task Force, primary care providers that have systems in place to treat or refer should provide depression screening to every adult on an annual basis.

As you plan your Midwifery Week events, be sure to check out the ACNM Web site and the Guide to Midwifery Week for tips on how to plan for this year's celebration. **Q**  
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## Guide to Midwifery Week

ACNM has created a guide to planning events during Midwifery Week. Find it on the web at [www.midwife.org/display.cfm?id=312](http://www.midwife.org/display.cfm?id=312) or contact Rebecca Jacob at [rjacob@acnm.org](mailto:rjacob@acnm.org) or 240-485-1822.

## Resources for Conducting Depression Screening

On the web at [www.mentalhealth-screening.org/events/ndsd/conduct.aspx](http://www.mentalhealth-screening.org/events/ndsd/conduct.aspx); [www.depression-screening.org/](http://www.depression-screening.org/) and [www.nmisp.org/events/ndsd/conduct.aspx](http://www.nmisp.org/events/ndsd/conduct.aspx).

## Professional Connection

from previous page

FQHC has risen from 330 in 2002 (when we first exhibited) to 365 in 2005 – an 11% increase!

## Professional Liability Section

Cecilia Jevitt, CNM, past chair of this section, brought her expertise to the board when she was sworn in as Region III Representative in Chicago. Long-time section member Bill McCool, CNM has taken over the leadership role and staff look forward to working closely with Bill and other section members. In particular, Bill and Mamie Guidera will be leading efforts for the first-ever ACNM-sponsored survey of our membership on professional liability issues. Please look for that and respond! I was pleased to accept an invi-

tation from ACOG to attend their Committee on Professional Liability and look forward to continuing to work with ACOG on this problem.

The insurance industry is a cyclical one. In the past year, many of us who rode out the 1986 crisis found ourselves re-telling 20 year old stories of closed practices and efforts for legislative relief. Barb Fildes opened the risk management session at the Annual Meeting this year with a film clip from 1986! A much smaller but highly efficient professional association helped midwives find a solution 20 years ago. Your membership in ACNM today is crucial to our efforts to address the current professional liability crisis and a host of other problems at the national level. Thank you and hang in there! **Q**  
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## 2007 Leadership Seminars

ACNM, with the A.C.N.M. Foundation, Inc., is hosting the following leadership seminars in 2007.

The dates are:  
**October 13-14 in Seattle, Washington**  
**November 3-4 in Kansas City**

For more information, visit [www.midwife.org](http://www.midwife.org) and search for "leadership seminars."