

# LEGAL UPDATE



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# Liability / Legislative Update

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⌘ Telemedicine

⌘ DNRs

# Liability Update



- ❧ Physician employment and medical staff issues
- ❧ Recent cases
- ❧ Which process to use
- ❧ Reporting

# Liability / Legislative Update

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- ❧ Legislative developments
  - ❧ Emergency Care
  - ❧ Liability Limits
  - ❧ Nursing Home Insurance
  - ❧ Mitigation
  - ❧ Others



# Emergency Care: HB 2361



- ❧ HB 2362 is jointly authored by Reps Joe Moody and Four Price
- ❧ Removes the Willful and Wanton standard for ER cases in numerous scenarios
- ❧ Will result in more ER cases, higher premiums, and possibly fewer Docs willing to cover ER

# Indexing Non-Economic damages Cap: HB 765

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- Rep Gene Wu has filed this bill that affects healthcare providers that are NOT governmental.
- Existing Cap is as high as 750k
- Cap would be retroactively indexed to 2003.
- Insurance rates would increase.

# Hospital Districts & Nursing Home Insurance: SB 786



✧ Senator Charles Schwertner (R) & Senator Nathan Johnson (D) jointly filed this bill which may require all Hospital Districts to purchase insurance for nursing homes in QIPP

# Mitigation of Damages: SB 1215



✧ Senator Charles Schwertner filed this bill requiring Plaintiffs to mitigate their damages by using their own health insurance when being treated for injuries.



# OTHERS



❧ Tort Claims Act

❧ Cap

❧ Defenses

❧ Medical Authorizations

❧ House Resolution 614

❧ Medical Affidavits: HB 1693

# Employee Issues



## ❧ FMLA Abuse Tools

❧ Leave requests – ask questions, written form

❧ Ee periodic reports

# Employee Issues



## ❧ FMLA Abuse Tools

❧ Complete cert.;  
authentication, clarification

❧ Change in circumstances;  
recertification

# Employee Issues



## FMFLA Abuse Tools

### Patterns of absences



# Employee Benefits



## ADA Update

- Changing job duties

- Job descript./ essential functions

# Liability Update



Collection/lien issues

Recent S.Ct. case

Lien issues

# Liability Update



Managed Care,  
Insurance Issues