ECRI's Strategic Insights for Ambulatory Care newsletter is being offered to CAPIC insureds at no cost. If you are interested in visiting any of the links in this edition, please contact Brad Dunkin, Assistant Vice President, at BDunkin@CAPphysicians.com*.*

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Strategic Insights for Ambulatory Care is a biweekly service provided by ECRI and the Cooperative of American Physicians (CAP). We welcome your comments; please send them to **AmbulatoryCareRM@ecri.org**.

Happy New Year!

This "Best of" issue of eNews includes stories from 2023 that are significant because they represent emerging trends in patient safety and risk management, or new concerns and technologies that will impact the future of patient care.

We wish you a healthy and safe New Year!

Patient Safety & Relations

Can Artificial Intelligence Provide Patient-Centered Care to Geriatric Patients?

What's the news. Artificial intelligence-supported clinical decision support in geriatrics may inadvertently cause older patient's values and beliefs to be overlooked and may alter the quality of the doctor-patient relationship, according to a **study in the September 2023 issue of** *JAMDA*. Researchers conducting an analysis on a literature search found no articles that adequately address the ethical implications regarding such use of artificial intelligence.

Why it matters. Patient-centered care strives to ensure that all patients have timely access to quality healthcare that reflects their values and preferences; organizations must understand the benefits and risks of artificial intelligence before embracing technology that may endanger that goal.

How ECRI can help. The guidance article **Person-Centered Care** discusses patient-centered care in its broadest sense and provides information and resources that risk managers can use to help their organizations identify and implement person-centered practices.

U.S. Maternal Mortality Rates Doubled Between 1999 and 2019

What's the news. The estimated number of U.S. women who died within a year after pregnancy more than doubled between 1999 and 2019, with the highest maternal mortality ratios among Black patients, according to a **July 3, 2023,** *JAMA* **study**. Maternal mortality disparities do not appear to have improved over the study's 20-year time period, as findings indicate that maternal mortality ratios increased significantly for both the American Indian and Alaska Native and Black patient populations in more than half of U.S. states.

Why it matters. The Centers for Disease Control and Prevention found that 84% of pregnancy-related deaths are preventable, according to a **2022 report** by the agency. Each type of preventable pregnancy-related death requires various strategies at different levels of a healthcare organization, but all of them represent the need for improvement in maternal care.

How ECRI can help. ECRI has named **Maternal Health across the Continuum** and **Racial and Ethnic Disparities in Healthcare** among the top patient safety concerns in recent years.

DEA and HHS Extend Telemedicine Prescriptions through 2024

What's the news. The Drug Enforcement Agency (DEA) and the Department of Health and Human Services (HHS) announced they would extend the COVID-19

flexibilities allowing for telemedicine prescription of controlled medications without a prior in-person evaluation through December 31, 2024, according to an **October 13, 2023, article** from law firm Baker Donelson. Proposed permanent flexibilities are also under consideration.

Why it matters. The DEA and HHS intend to promulgate final telemedicine prescription rules by fall 2024. Organizations should continue to be aware of changing regulations.

How ECRI can help. The guidance article **Medication Safety** discusses how organizations can prevent medication-related adverse events and implement a medication safety program.

Legal & Regulatory

Generative AI and Medical Professional Liability Risk

What's the news. Potential risk of medical professional liability associated with generative artificial intelligence (AI) include cybersecurity, privacy, incorrect or potentially harmful patient care or administrative output, and informed consent, according to a **recent article from the Medical Professional Liability Association**. To mitigate these risks, organizations should establish policies regarding the use of AI in clinical care and follow regulations as they are enacted.

Why it matters. The adoption of AI technology comes with many potential risks and benefits. Organizations should consider how to best use AI while preventing liability risks.

How ECRI can help. The **Essentials: Health Information Technology** collection provides action recommendations and resources on aspects of health information technology, including privacy and cybersecurity.

Physicians with Prior Paid Claims 3.7 Times More Likely to Have Future Claims

What's the news. Physicians with one prior paid medical malpractice claim were almost four times more likely to have one or more additional paid claims in the next five years compared with physicians with no prior paid claims, according to a **February 10, 2023, article** in *JAMA Health Forum*. The retrospective case-control study included data from 2006 to 2016 for over 880,000 licensed physicians practicing in the United States, assessing the association between prior paid claims with future claims. Relative to physicians with no prior claims, the risk of a future claim was 3.7 times higher for physicians with one prior claim, 6.7 times higher with two prior claims, and 11.2 times higher with three prior claims. Overall, a single prior paid claim was associated with substantial, long-lived future claim risk, independent of

whether a physician was practicing in a high- or low-risk specialty, or whether a state publicly disclosed paid claims.

Why it matters. The study findings suggest that paid medical malpractice claims are not random events; timey intervention, including education, has the potential to reduce future claims, according to the authors.

How ECRI can help. The **Essentials: Litigation and Claims Management** collection provides action recommendations and resources to help organizations establish and maintain effective systems to manage potential complaints, claims, and litigation.

Over Half of US Physicians Have Been Sued in Medical Malpractice Lawsuits

What's the news. Fifty-five percent of US physicians have been defendants in a medical malpractice lawsuit, either alone or with others, and 49% of defendants have been sued two to five times in their career; the most frequently sued specialists were general surgeons, obstetrician gynecologists, orthopedists, plastic surgeons, and otolaryngologists, according to a **November 3, 2023, infographic from Medscape**. For more information, see the **Medscape Physicians and Malpractice Report 2023**.

Why it matters. Medical malpractice claims can lead to financial costs and reputational damage. Identifying the characteristics of malpractice claims may help organizations develop safety initiatives to prevent future harm.

How ECRI can help. The **Essentials: Litigation and Claims Management** collection provides action recommendations and resources to help organizations implement effective systems to manage potential claims, complaints, and litigation.

Is Your Organization Asking the Right Questions before Integrating AI?

What's the news. The top 13 questions a healthcare organization should ask itself about artificial intelligence (AI), including Chat GPT—regarding topics ranging from cybersecurity to privacy to employment—are listed in an **April 21, 2023, article** by law firm Baker Donelson. The questions target legal counsel, leadership, and risk management, and may help determine whether an organization is prepared for the risks regarding integrating AI into their systems.

Why it matters. AI has the potential to both help and harm healthcare. It may be capable of streamlining workflows and assisting providers in reducing overall workload, among other tasks, but research has also highlighted its potential risks. Organizations must not rush the implementation of AI in order to solve existing

problems without seriously weighing its risks and benefits, particularly when AI can create additional problems of its own.

How ECRI can help. The resource collection **Resource Collection: Risk Management Fundamentals** contains guidance, self-assessments, and more on managing risks in physician practices.

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