



# Pre://view '08

Mintz Levin Health Law Practice Looks Ahead

## Mark This Under Best Defense

The Boy Scouts of America have it right: Be Prepared. A good motto and even better business plan for these changing times. To help you remain prepared, Mintz Levin's Health Law Practice has assembled this overview of the significant issues and developments on the horizon that we feel bear watching in 2008. We've been brief because we know you're busy. Be in touch.

**Ellen Janos puts the outlook for 2008 most succinctly: "We believe that the most dynamic areas to watch in 2008 will come at the intersections of finance and quality."**

## New Buzz Around "Never Events"

After Minnesota, Massachusetts is the second state in the nation to announce that in 2008, all Massachusetts hospitals will adopt a uniform policy not to charge patients or insurers for a series of rare but serious adverse events (now being called "never events") as defined by the National Quality Forum (NQF), including wrong site surgeries and serious medication errors.

The Massachusetts Hospital Association (MHA) played a lead role in encouraging hospitals to voluntarily accept the new policy which codifies long-standing safety practices and strengthens hospital commitments to preventing adverse medical events. To implement the plan, MHA will collaborate with an advisory group of hospital members from the clinical and financial areas, the physician community, health insurance companies, and patient-consumer representatives.

**"Under current practice, in the extremely rare case that a serious adverse event does occur, Massachusetts hospitals disclose the incident and apologize to the patient. Additionally, hospitals report the incident to separate programs at the Department of Public Health and the Board of Registration in Medicine," explains Ellen Janos.**

Since human error is inevitable, MHA promises to try to learn from their mistakes, acknowledge the profound effect these errors have on patients and, ultimately, expand the list of "never events" that should not occur and for which hospitals should not charge.