

Federal grant proposal could save New York's hospitals some money

By Cailin Brown

In the midst of staff cutbacks at the state Health Department and a stalled national health care reform initiative, a new grant program could provide some hope in what sounded like an uncertain outlook for the Health Law Section this year.

A grant application pending before the federal government could result in a \$3 million initiative to help implement new cost-saving measures for New York's hospital industry.

Speaking at the section's Annual Meeting luncheon, Thomas Conway, general counsel for the state Department of Health, said that the multi-faceted grant would create a five-hospital partnership in New York City that would develop an early disclosure and settlement program similar to a model instituted at the University of Michigan.

Characterized as a patient safety initiative, the project is intended to decrease malpractice liability while providing full support to patients and families as soon as an event is identified. It also would call for a committee to review information about an incident and identify any deviations from the standard of care.

The head of the program in Michigan would serve as a consultant on the project, Conway said. He said the results of the Michigan program have shown real promise: the number of open cases has declined steadily over several years; the average time to

resolve matters was reduced; and the costs of litigation were halved.



Medicaid update—First Deputy Medicaid Inspector General Robert A. Hussar provided an update on the department's health reform efforts during the section's luncheon. *[Photo by Steve Hart/Happening Photos]*

Another component of the grant would provide for an affiliation with the courts through the state Office of Court Administration. Special training would be developed in concert with the collaboration among the five hospitals to help reduce hospital liability costs, Conway said.

The project also would include a monitoring segment so that members of the department can work with Harvard researchers to analyze data for helpful lessons, Conway said. He asked members of the section to keep an open mind about the initiative, especially those from a 'deny and defend' culture. "This holds out hope," he said.

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Medicaid official tells health lawyers goal to 'incentivize providers'

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Robert Hussar, first deputy Medicaid inspector general from Albany, discussed certification requirements since December 2009 and unenrolled and enrolled providers. His office is reconciling certifications with lists of providers and reviewing the culture with those in the legal and compliance community.

Hussar said the goal is to "incentivize providers" and ultimately, "we want to reward people for doing the right thing."

In the coming year, the office will

focus on the topic of exclusions, Hussar said. "We as an office have to look at the global picture. We try to be transparent. We try to have an open door."

His office has fielded some legitimate concerns about proposed upcoming changes, and now, the department is publishing audit reports on its Web site in an effort to maintain its transparency. "We believe providers should have a clear understanding of what they are responsible for," he said.

If the clients of health law practitioners were recently hit with a rash of audits, Hussar said the department could work to reschedule and delay those plans. In addition, he said his offices are working to ensure that auditors are respectful.

"We are committed to making sure we are not wasting your time," he said. ♦

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