



Combined Live Seminar and Webinar Program Announcement

Patient Safety Organizations:

A Practical Guide to Understanding and Implementing a PSO Program and Managing Confidentiality and Privilege Protections

When:

Thursday, February 19, 2009

Where:

Offices of Katten Muchin Rosenman LLP
525 W. Monroe Street
19th Floor Conference Center
Chicago, Illinois 60661-3693

Time:

1:00–4:30 p.m. (CST)

Continuing Education Credit:

We have applied for 3.0 hours of continuing education credit from NAMSS.

Katten Muchin Rosenman LLP is an accredited provider of MCLE in Illinois. This program has been approved by the Illinois MCLE Board for 3.0 hours of General Credit.

Katten Muchin Rosenman LLP is a State Bar of California approved provider of MCLE. This course has been approved for 3.0 credits.

Katten Muchin Rosenman LLP has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York for the Period January 1, 2008 through December 31, 2010. This seminar is appropriate for experienced attorneys only. Attendees will receive 3.5 credits (NY gives 1 credit for every 50 minutes) in Professional Practice.

Who Should Participate:

Medical staff professionals, in-house attorneys, senior medical staff leaders, risk managers, chief quality officers, directors of quality, patient safety officers and chief nursing officers.

How Do I Participate?

You have a choice of attending the program at the Katten office in Chicago or listening to a live webinar presentation at your own office or facility. See registration link below.

What If I Cannot

Participate?

If you cannot participate on the day of the presentation or cannot listen to the entire program on February 19, we will be providing the opportunity to listen to a replay of the entire program at your convenience for a period of three months after the presentation. Replay instructions will be forwarded at a later date.

Program Fees:

There is no charge for this program.

Sponsors:

Illinois Association Medical Staff Services
Katten Muchin Rosenman LLP

Speakers:

Part 1

- **Ellen Flynn, RN, MBA, JD**
Executive Director, Clarity PSO
- **Carrie Nelson, MD, MS, FAAFP**
Chair, Coalition for Quality and Patient Safety of Chicagoland (PSO)
Vice President, Institute of Medicine of Chicago
- **Trish Anen, RN**
Vice President of Clinical Services,
Metropolitan Chicago Healthcare Council (Moderator)

Part 2

- **Michael R. Callahan, JD**
Senior Partner, Katten Muchin Rosenman LLP
- **Sheila M. Sokolowski, JD**
Associate, Katten Muchin Rosenman LLP
- **Charlene Luchsinger, CPMSM, CPCS**
Director of Credentialing, Cook County Health and Hospitals System
President, IAMSS (Moderator)

Background

In 2005, Congress passed the Patient Safety and Quality Improvement Act ("Patient Safety Act"). An important component of this legislation was the development of a framework to allow for the establishment of Patient Safety Organizations ("PSOs") to encourage providers, including hospitals, physicians, nursing homes, home health facilities and surgicenters, to collect and voluntarily report to PSOs patient care data and incidents relating to patient safety events, medical errors and other similar information. This data, identified as Patient Safety Work Product ("PSWP"), is part of a collective and collaborative effort to improve the quality of patient care services. These PSOs, which must be reviewed and certified by the Agency for Healthcare Research and Quality ("AHRQ") under the Department of Health and Human Services, are expected to collect, collate, analyze, benchmark and provide various responses and services to contracting providers as a means of improving care. There are already over 30 listed PSOs, including those which have been established by state hospital associations, commercial groups and other similar organizations.

In addition, another important inducement to participate in a PSO is that PSWP will be treated as privileged and confidential, and therefore not subject to discovery or admissibility into evidence at both the state AND federal levels. This is the first time that Congress has passed a federal confidentiality and privilege protection statute as applied to the health care industry. Given the quality and care benefits and protections afforded under the Patient Safety Act, it is likely that all hospitals and most providers will be participating in one or more PSOs if they do not otherwise set up their own.

The overall purpose of this webinar will be to review the background, purpose and benefits of PSOs as well as the steps necessary to establish an internal Patient Safety Evaluation System in order to contract and participate in a PSO. In addition, we will describe how the PSO confidentiality and privilege provisions are to be applied, as well as their application to peer review activities, so that hospitals, medical staffs and other providers can make truly informed decisions on whether or not to seek these protections and on how to organize their internal collection and reporting policies in a way which will not interfere with their accreditation and patient care obligations.

The topics to be covered will include:

Part 1 — 1:00–2:30 p.m.

- I. **The Patient Safety Act**
 - A. Purpose
 - B. Who is covered under the Act
 - C. Long-term goals
- II. **Requirements for Health care Providers**
 - A. Establish and Implement a Patient Safety Evaluation System
 1. Organizational data inventory
 2. Committee and task force review
 3. Flowchart of process
 - B. Determine what constitutes Patient Safety Work Product
 1. What can be considered PSWP
 2. What cannot be considered PSWP
 - C. Reporting to a PSO
 1. Process of reporting
 2. Inter-relationship of the health care provider and PSO
- III. **Working Examples**
 - A. How to manage patient disclosure of adverse events
 - B. How to manage peer review under Joint Commission standards
- IV. **PSO Services**
 - A. Contract requirements
 - B. Deliverables
 - C. Reports
 - D. Storage of root cause analysis, investigations
 - E. Consultative services
 - F. A la carte services
 - G. PSO HIPAA and other security requirements

Break — 2:45–3:00 p.m.

Part 2 — 3:00 –4:30 p.m.

- I. **Overview of PSO Privilege and Immunity Provisions**
 - A. What is and is not covered
 - B. At what point the protections apply
 - C. What the impact is on mandatory reporting obligations
 - D. Are there exceptions and can the protections be waived
 - E. Can Patient Safety Work Product be used against a provider by licensing and accreditation authorities
- II. **Impact of PSO Protections on Peer Review Activities**
 - A. Can Patient Safety Work Product include peer review, privileging and credentialing activities
 - B. Can PSWP be used as a part of a peer review and credentialing review investigation or corrective action proceeding
 - C. Application of PSO and state protections to hypothetical quality investigation and corrective action proceeding
- III. **How to Maximize Confidentiality and Privilege Protections Under Patient Safety Act and State Law**
- IV. **Other Legal Issues**
 - A. What legal documents are required
 - B. Application of HIPAA privacy and security rules

Register Now!

[Click Here to RSVP](#)

Please specify if you will be attending the seminar in person or joining the conference call.

NOTE: THERE IS NO CHARGE FOR THIS PROGRAM.

Questions? If you have any questions about this event, contact Michael Callahan at michael.callahan@kattenlaw.com, or 312-902-5634. You can also contact Jessica Herman at jessica.herman@kattenlaw.com, or 312-577-8035.

Confirmation:

We will confirm your registration upon receipt of registration. Login details will be emailed to you on **February 2, 2009**.