



provisions



Cautiously **Returning to Practice**

“Our healthcare system is being tested in a way we have never seen before, and yet their people show up day after day to serve others. It is truly inspiring, and we are grateful for the opportunity to support them and our communities whenever we can.”

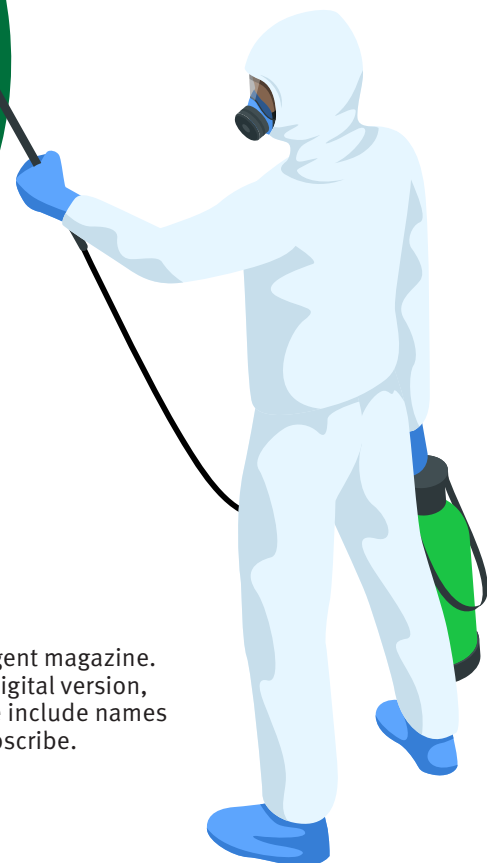
Ned Rand
Chief Executive Officer

89%

of physicians surveyed by Medical Economics report seeing fewer patients than before the pandemic.

ProVisions is ProAssurance’s monthly agent magazine. If you or your colleagues do not receive the digital version, email AskMarketing@ProAssurance.com. Please include names and email addresses for everyone who would like to subscribe.

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A Word from the CMO

A New Normal

The COVID-19 pandemic continues to rage on around the world. Fortunately, for many the focus has shifted from the overwhelming impact of the disease to finding the most efficient and responsible way to move toward normalcy.

Much like the initial spread of the disease, efforts to move past the state of emergency are somewhat unpredictable and uneven. Some states have already allowed physicians to resume elective procedures. Some have implemented multi-step reopening plans. A few never technically closed.

Our role continues to be one of support as our mutual clients continue their work on the front lines of the pandemic. We do not know when the impact of COVID-19 will stop overwhelming our day-to-day activities. We do not know the full economic impact the pandemic will have over the next few years. What we do know is we must continue to rise to the occasion as new challenges present themselves.

For our part, ProAssurance will continue to work to provide timely updates as the situation continues to evolve. This will include contacting you directly via agent bulletins and adding information to our COVID-19 Information Center. If at any time you cannot find the answers you need, your market manager will be happy to assist. We also have a survey to collect improvements or topics for the information center.

Thank you for all you are doing to assist our mutual clients through these ongoing trials.



Thank you!
Jeff Bowlby
Chief Marketing Officer

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REMINDER: All COVID-19 premium credit applications must be submitted by June 5

 **PROASSURANCE**
Treated Fairly

ProAssurance's Pandemic Response

The delivery of healthcare services has been reduced dramatically and perhaps altered forever by the COVID-19 outbreak. We continue to monitor the impact of the pandemic very closely, but the situation remains fluid. We continue to respond to changes as quickly and accurately as possible.

In a study conducted by Preverity, the daily volume of various types of care fell to a fraction of what it was beforehand. Office visits were down 55%. Emergency department volume was down over 70%. Urgent care visits were down 45%, and hospital billing volume decreased over 65%. These figures are in stark contrast to a 1,000% increase in telemedicine billings, as physicians and advanced practice professionals rely on a socially distant method of care.

This massive adoption of telemedicine may present the largest change in loss exposure to the MPL industry generated out of this emergency. While failure to diagnose claims could increase, certain automated informed consent and documentation processes, if widely adopted, could make claims more defensible. At present we do not have concrete predictions on the direction of that exposure.

These changes may all have different effects on losses reported over the next few years, but the situation may also create a wave of additional claims related to failure to adequately treat COVID-19 patients, failure to timely diagnose, and failure to deliver care while all eyes were focused on the pandemic.

Some practice volume recovery has begun as states reopen permitting elective procedures, but many patients remain reticent to return. Plaintiff firms are preparing to file massive litigation against the long-term care industry.

Office visits ▼55%

Emergency department volume ▼70%

Urgent care visits ▼45%

Hospital billing volume ▼65%

Telemedicine billings ▲1,000%

This massive adoption of telemedicine may present the largest change in loss exposure to the MPL industry generated out of this emergency.

Healthcare professional liability business impact

For ProAssurance, we anticipate that new business will be difficult to obtain during the emergency and for possibly some months thereafter as disrupted practices focus on relaunch and revenue generation. Agents, too, may gather themselves to restart normal business. Consistent with these expectations, we might anticipate that retention may be somewhat stronger than in prior periods, but early signs show disruption in that process as certain practices seek expense relief at all costs.

Claims results will change as well. We know a few effects but can only speculate about others at present. Claims reports during the month of March were down 50%. This drop resulted from a systemic disruption and is not an actual drop in frequency. Courts closed in March and have largely remained closed. As such, claims in the pipeline will ultimately make their way through when the system reopens. This bolus could appear as a "spike" in claims frequency across several months, following a return to more normal conditions later this year and in 2021.

We can estimate a small portion of the change based upon the reporting patterns that will be directly affected by the lower volume of care delivered during the shutdowns. While we do expect fewer claims arising from this dormancy, those claims would normally be reported largely over the next four years. This pattern, combined with the decrease in premiums expected this year, will increase our loss ratio this year while having some beneficial effects in future years. As an extreme example, if a one month practice suspension occurred on an entire book of business, we would expect a 6.7% increase in the 2020 loss ratio with an offsetting improvement spread over the ensuing four years.

Further, the possibility exists that the healthcare workforce may not be back to full strength for some time. Volumes have moved up, but many practices have not fully reopened. We are seeing a number of older physicians "throwing in the towel" rather than attempt to restart in this uncertain environment. Some organizations may choose to permanently eliminate some furloughed positions accepting lower activity. Premiums would, thus, be permanently affected.

Responsible Reactions to Pressures Facing Policyholders

Payment deferrals for economic hardship

ProAssurance recognizes the financial hardship affecting many medical practices during this crisis. We have suspended cancellations due to nonpayment of premium for active policies until June 30, 2020 for payments due after April 1, 2020. Millions of dollars of deferrals are on the books.

ProAssurance also monitors and complies with grace period requirements from individual state Departments of Insurance (DOI) that began earlier or will last longer than our own. Thus far, there have not been any outliers. Visit our [COVID-19 Department of Insurance Bulletins page](#) for each state's requirements.

If a client has a situation that merits consideration beyond our grace period, please contact your ProAssurance underwriter.

With June 30 approaching, deferred cancellations for these payments will become due. We will provide practices with the ability to move to a more extended payment plan or have up to three months to catch up on these deferred payments.

We recognize the potential for financial hardship on medical practices during this crisis. ProAssurance will continue to monitor the situation and be ready to review this and all other accommodations accordingly.

Premium credit available

ProAssurance offers a COVID-19 premium credit for insured physicians adversely impacted by the COVID-19-related mandates. This credit is intended to adjust for reduced medical liability exposure during the suspension of elective procedures and general reduction in non-COVID-19 healthcare consumption.

If an insured's medical practice has been reduced by more than 50% (to 20 hours per week or fewer), we may apply a part-time discount of up to 50% for up to 60 days. Certain exclusions apply such as insureds already on a part-time status, excess & surplus lines policies, senior care/long-term care facility policies, programs with retrospective rating or other profit sharing components, and others.

If you have a client eligible for consideration who has not already requested accommodation, work with them to complete this [supplemental questionnaire](#) and email it to COVID-19@ProAssurance.com. **All request forms must be received by June 5, 2020.**

Underwriting will determine and communicate an insured's eligibility as requests are received. We understand some states may experience elective procedure restrictions that exceed 60 days. We will evaluate further reductions/limitations on a case-by-case basis during policy renewals on and after July 1.

Many state DOIs are encouraging carriers to provide premium relief in correlation with reduced exposure, so we do not anticipate governmental objections. Please note however, all discounts are subject to regulatory approval and oversight.

Remaining vigilant

Early on, ProAssurance established a COVID-19 response team that meets regularly to address questions and issues as they arise. The pandemic and its impact on our industry and the economy as a whole continues to be unusual and unpredictable. We will continue to be vigilant and responsive as the situation continues.

Please visit our [ProAssurance.com/COVID-19](https://www.proassurance.com/COVID-19) website for regular updates to the challenges created by the pandemic.



Rob Francis
Executive Vice President
Underwriting and Operations



Due to COVID-19, all live seminars have been cancelled.

Online Seminars are Now Available for Physicians and Practice Managers

Eligible insureds can earn CME credit and premium discounts for online seminars.

Hindsight 2020, the 2020 seminar for physicians, is online. Insured physicians who were eligible for a premium discount for attending in person can now earn the same discount by taking it online.

Our 2020 seminar for practice managers, **An Ounce of Prevention**, is also online. If a practice manager was eligible to earn a discount for attending in person, they can now earn the same discount for taking it online, provided a majority of the physicians in their practice complete **Hindsight 2020**.

Over 20 online seminars are now available to ProAssurance insured physicians and their practice staff at no additional cost.

Sign in to visit the [Seminars tab on the Secure Portal](#) for the complete list and for information on potential policy discounts and CME credit for your insureds.

For general seminar and CME assistance, call Risk Resource at 844-223-9648, option 2.

NOTE: Other insureds may be eligible to earn online premium discounts. Policy discount eligibility is subject to state, policy, and underwriting requirements. Discounts are applied at renewal. Contact your underwriter (800-282-6242) to confirm eligibility.



Product Liability Coverage for Much Needed Pandemic Innovation

Medmarc has supported the life sciences industry for over 40 years and we will continue to do so. During this time the life sciences industry is coming together to develop ventilators, PPE, treatment therapies, and a vaccine to get our nation back open. Current insureds have announced efforts to manufacture or distribute pandemic-related products, and more have announced their efforts in clinical trials and the support of funded initiatives. In addition to our current clients, Medmarc has seen submissions or had discussions with insurance brokers on nearly 100 new companies involved in the fight. Medmarc has taken on new clients who are involved in the manufacturing of ventilators, component parts, diagnostics, and PPE products. Medmarc is also working with its contacts at AdvaMed, the largest medtech trade association in the country, to assist in their support of the industry.

In addition to underwriting pandemic-related accounts, Medmarc's Risk Management team immediately set up a [COVID-19 Pandemic response webpage](#) as a resource to the life sciences companies as well as manufacturers that may not normally produce medical devices and are converting their existing processes to help in this fight. This page includes two on-demand webinars on the [Public Readiness and Emergency Preparedness Act \(PREP Act\)](#) and [Force Majeure: Covid-19](#).



Agents, you and your clients can use the [COVID-19 webpage](#) to reach out to Medmarc to ask questions about types of products we protect.

Senior Care Liability Webinar

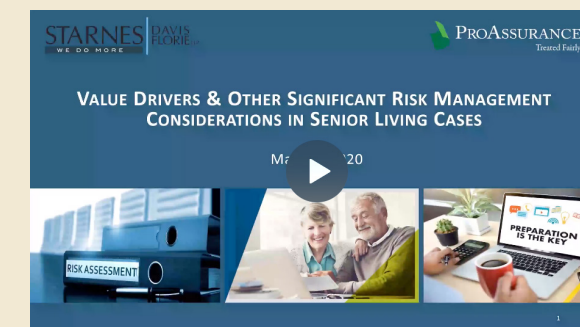
ProAssurance recently hosted a webinar, **Value Drivers & Other Risk Management Considerations in Senior Living Claims**, presented by *Reed Bates, Partner, Starnes Davis Florie LLP* and *Frank Bishop, Regional Vice President, Claims*.

A recording of the webinar is now available in the [agent secure area](#) of ProAssurance.com. To access the replay and PDF copy of the slides, sign in to the secure services portal, select the "Agent" menu item, then "[Webinar Archives](#)" from the dropdown.

If you have feedback or suggestions for future webinar topics, please let us know at TreatedFairly@ProAssurance.com.

Top Questions:

- **How should you address the use of arbitration agreements with your clients?**—31:00
- **Do you expect lawsuits stemming from the spread of COVID-19?**—32:15
- **What do we think COVID-19 issues will be going forward?**—34:12
- **What do we need to know about arbitration and class action lawsuits?**—45:40
- **Does COVID-19 infer a higher standard of care by facilities?**—55:15
- **Does underwriting request or review the facility's last assessment in the application for insurance?**—56:10



Webinar Description:

As senior care facilities are rapidly evolving to accommodate the U.S. population aging at an unprecedented rate, so too are the exposures they face.

This one-hour webinar hosted on Tuesday, May 12, 2020, features Reed Bates and Frank Bishop discussing the evolving senior care market, recent claims & litigation trends within the space, impact of the COVID-19 pandemic on the sector, and other topics of interest.

Watch the replay to hear the answers to these great questions.

Medicare Provider Relief Funds Update

On April 10, the Department of Health and Human Services (DHHS) released the first portion of a stimulus fund intended to provide financial relief to healthcare providers during the COVID-19 pandemic. In order to expedite the distribution of funds, the DHHS used the Automated Clearing House account information on file for Medicare providers who received reimbursements from the Centers for Medicare & Medicaid Services in 2019.

While healthcare providers were not required to apply for the funds in order to receive the initial payments, there are terms and conditions associated with each provider's eligibility to retain the initial funds and regarding how the funds may be spent. The burden is on the healthcare providers to determine their eligibility and how the relief fund payments may be used.

Requirements for healthcare providers

Recipients of the Provider Relief Funds must sign an attestation confirming receipt of the payment and agreeing to the terms and conditions within 45 days of receipt of the funds. [The portal to sign the attestation opened the week of April 13 on the DHHS website](#). If the recipient does not provide the required attestation, then they are deemed to have accepted the terms and conditions by retaining the money. Those recipients who do not wish to comply with the terms and conditions must contact DHHS within the same 45 day period and return their full payment.

It is recommended that recipients keep contemporaneous records of all revenues and expenses. Additionally, it is recommended that recipients map how they used relief funds to ensure compliance with the terms and conditions for each Relief Fund.

Penalties

The CARES Act funding includes \$80M for a Pandemic Response Accountability Committee, which has enforcement authority and may conduct independent investigations. The penalties for noncompliance may include civil and criminal liability. Therefore, documenting compliance with the terms and conditions will be essential for responding to future government inquiries.

Eligibility, terms, and conditions

We encourage your clients to review the eligibility requirements for providers (["Additional information on the initial \\$30 billion distribution" at the bottom of the DHHS CARES Act page](#)) in addition to the terms and conditions. These resources, plus information regarding the attestation portal and a portal for submitting revenue information, can be found through the DHHS CARES Act website: <https://www.hhs.gov/coronavirus/cares-act-provider-relief-fund/index.html>.

Note: *In addition to the terms and conditions on the DHHS website, recipients must comply with all relevant state and federal statutes and regulations. We recommend they consult their attorney or financial services advisor to help ensure compliance.*

More funding

While the first payments from the \$20B Relief Fund were deposited automatically as outlined above, there are additional Provider Relief Funds available. Information regarding the terms and conditions for each of the six Relief Funds can be found here: <https://www.hhs.gov/coronavirus/cares-act-provider-relief-fund/terms-conditions/index.html>.

The information provided here is general in nature and should not be construed as legal advice. Insureds with questions regarding eligibility, the terms and conditions, the attestation process, or any other questions should contact their legal counsel, financial advisor, or healthcare consultant for professional guidance.



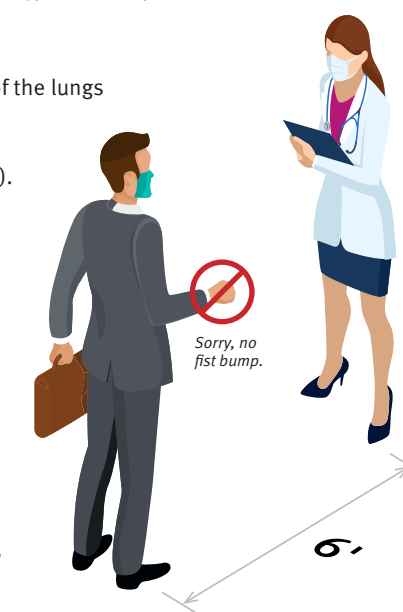
Theresa J. Bradley
Senior Legal Counsel

COVID-19 Pandemic Acronyms

Since the novel coronavirus outbreak began in late 2019, there has been around the clock coverage outlining the worldwide impact. This has introduced new acronyms into the public lexicon and introduced the general public to medical terminology which may have previously been unfamiliar.

Below is a list of common acronyms you may be seeing and what they actually stand for.

- **ARDS (Acute Respiratory Distress Syndrome)** — A type of respiratory failure associated with inflammation of the lungs causing shortness of breath, blue skin coloration, and rapid breathing.
- **ARI (Acute Respiratory Infection)** — A variety of infectious diseases that affect the respiratory tract. These are often further categorized as upper respiratory infections (URIs) or lower respiratory infections (LRIs).
- **CDC (Centers for Disease Control and Prevention)** — The leading national public health institute in the United States. This is a federal agency under the Department of Health and Human Services. Visit [CDC.gov](https://www.cdc.gov).
- **COVID-19 – Coronavirus Disease 2019** — The official name for the disease caused by the SARS-CoV-2 strain of coronavirus. (See below.)
- **Epi – Epidemic Curve** — A statistical chart used to help visualize the onset, progression, and eventual reduction of a disease outbreak.
- **PUI (Patient Under Investigation)** — A definition developed by the CDC to help identify potential cases of infectious diseases. [The clinical criteria for evaluating and testing for COVID-19](#) was last updated May 3.
- **PPE (Personal Protective Equipment)** — Specialized clothing or equipment worn to protect against various health and safety hazards. These are commonly associated with creating a barrier against potentially contaminated bodily fluids.
- **SARS-CoV-2** — The official name of the virus formerly referred to as "novel coronavirus 2019" or "2019 nCov." COVID-19 (above) is the name of the disease caused by the SARS-CoV-2 virus.
- **WHO (World Health Organization)** —The organization that directs international health efforts within the United Nations by working together with various national health organizations to create a unified response. Visit [who.int](https://www.who.int).



THE HOMEPAGE

Continuing COVID-19 Marketing Efforts

Just like everywhere else, things in Marketing were different and often strange during the initial weeks of the pandemic. While last month's column reported the online COVID-19 Info Center, our major marketing and communications initiative, this month we'll be cleaning out the notebook with items of interest about how business-as-usual became unusual.



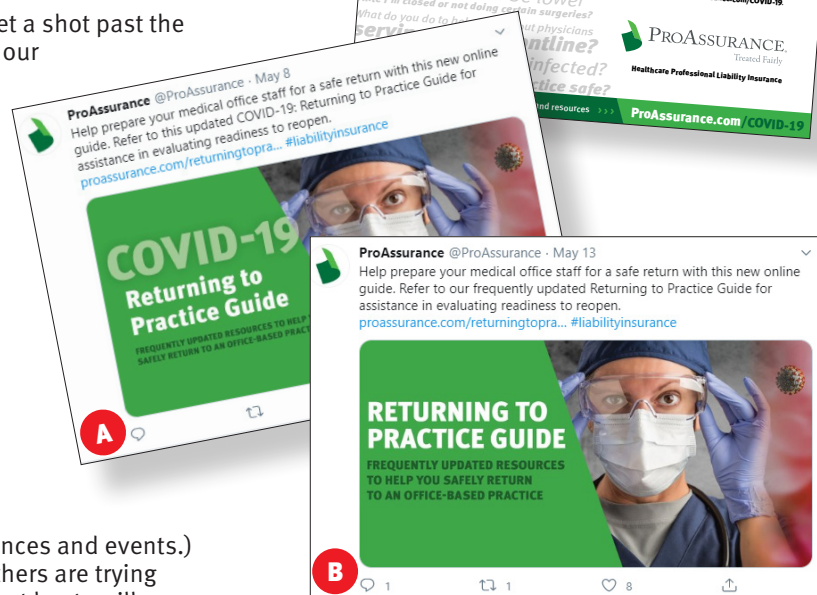
Print advertising

The story is moving so fast. It's easy to come up with a new ad that makes sense in the moment but very difficult when the due date is six weeks before the date a publication will show up in a customer's mailbox. We created and submitted a "Thank You Healthcare" ad for our May and June publications, but that one is already feeling out of date. While we are certainly grateful for the front line healthcare workers, the story has moved on to reopening and the gratitude justifiably spread out to other essential workers like delivery services. Our next ad will try to help our agents and insureds with information by promoting the [Return to Practice content](#) within the online Information Center. By the time those ads start to hit, practices will be open, calls to Risk Resource will have come in, and we'll be in heavy education mode as we communicate about the emerging risks associated with re-opening and the new normal.



Online advertising

I'm fond of telling the Marketing team you need to try to get a shot past the goalie every now and then. That said, we were all shaking our heads in disbelief when Google and Twitter rejected our advertisements promoting the Return to Practice content and the COVID-19 Info Center more generally. These weren't even ads! It was simply pointing to helpful patient safety information publicly available for no charge! While our team is well-intentioned, it turns out that others out in the world may attempt to profiteer off the crisis and there are automated goal-keepers in place to keep them in check. We were able to adjust some keywords used in the ad copy and get them approved. The rejected Twitter ad and the accepted substitute are to the right. Can you guess which one was accepted? Find the answer at the end of the article.



Tradeshows and events

Yes, tradeshows have been cancelled since mid-March. (See [page 11](#) for an updated list of medical conferences and events.) Many are looking to reschedule for later in the year, but others are trying to move the content, and the exhibitor booths, online. Event hosts will attempt to host panels and keynotes using Zoom and other technologies. The exhibitor hall at an online conference is a room where booth visitors theoretically stop by to chat via instant message and download a PDF of your brochure. Our first stab at this is coming up with the American Telemedicine Association, though I'm not holding my breath. That said, if anyone can figure out how to make marketing work at a virtual conference it's the team that came up with the missing sock campaign. We'll keep you updated—and, of course, your ideas are welcome at AskMarketing@ProAssurance.com.

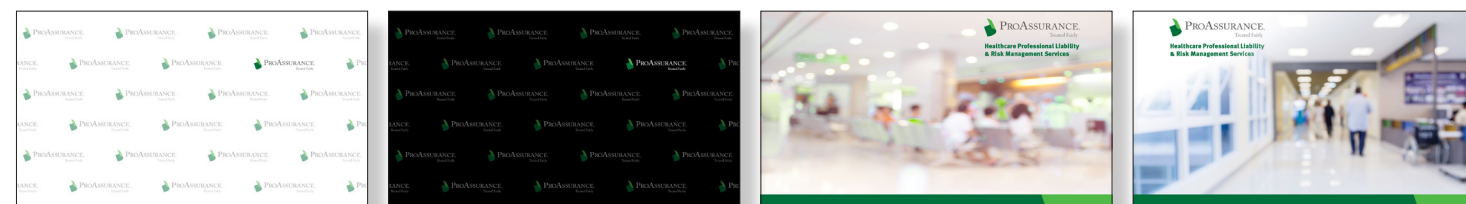
Click through on emails

So as to not appear tone-deaf during the initial phase, we had a two-week moratorium on sending out print or email newsletters. You recall that initial phase, right? When any business that ever came into possession of your email sent out their COVID-19 statement. Once the tap was turned back on for emails after the world had settled into working from home, it became an interesting natural experiment in email marketing metrics. Our open rate for email went up 10%, not a surprise there. People are looking at email all day and the stakes are elevated—no one wants to miss important information.

Strange however, that the click through rate went down almost 10%. **One reason is that we had fewer calls to action, trying instead to have the full communication in the content of the email.** In the case of agent communications, the bulletins also tended to focus on a single issue. Another interesting observation was the difference in device use. In the seven weeks prior to March 10, about 30% of folks opened our email on a mobile device and 70% on a desktop. Do you think mobile went up or down in the next seven weeks? We'll post the answer at the end of this article.

Zoom backgrounds

Here's a fairly easy free idea: All your meetings are on Zoom now anyway, so why not create a branded background for your agency? We made several and posted them for ProAssurance employees to use in case their home-office or guest bedroom bookshelf was not up to their professional standard. It works better with a green screen behind you and this far into the pandemic. If you are interested in investing in one, video conferencing accessories are no longer at "surge" pricing.



Email auto-signatures

One more free idea that we adopted during the initial crisis: Your agency likely has a formatted signature block that is automatically added to emails. Add a line promoting whatever it is you are doing best. We wrote a series of messages promoting the COVID-19 Info Center. If you get an email from me you'll see this:

Promotional items

It did not take long before our contacts in the promotional items and merch world started sending digital proofs of branded masks and hand-sanitizer. When it comes to masks as a branded promo, you have to remember that a mask is apparel and the first rule of branded apparel is "make something people will actually wear." One interesting new item is the "touch-free multi-tool." These are items that help you turn knobs and push buttons to move through the world without having to use your hands as much. The 1.0 versions I've seen are intriguing, but my guess is there will be a ton of innovation in the second or third generations, so we'll wait to see what shows up before putting a ProAssurance logo on one.



Pre-Pandemic Under Lockdown When Will This End? Hopefully Before This Stage



Steve Dapkus
Vice President, Marketing
ProAssurance Companies
205.802.4715 direct
205.868.6361 fax
Birmingham, Alabama

Visit our COVID-19 Information Center for medical liability concerns at ProAssurance.com/COVID-19

Steve Dapkus, Vice President, Marketing

Please note: The Homepage is not an advice column. The purpose of The Homepage is marketing, communications, and business operations insights in the digital age.

Answers: 1. B. 2. Mobile vs. Desktop: It didn't really change 30.35% mobile before, and 32.99 during.

Return to Practice Resources for Insureds

The **COVID-19: Returning to Practice Guide** at ProAssurance.com/ReturningtoPractice includes frequent updates that will help physicians with office-based practices safely transition to more normal operations while mitigating COVID-19 risks.

Many public health authorities are beginning to issue guidance allowing for the reopening of certain businesses. In evaluating the appropriate time to open a medical practice, strong consideration should be given to potential health risks to patients and employees by resuming operations. Practices need reliable testing capabilities, personal protective equipment (PPE), physical environment adaptations, and operational modifications to meet these goals. Refer to this updated [COVID-19: Returning to Practice Guide](#) for assistance in evaluating readiness to reopen.

Nine-part guide

Quickly explore useful tips and links to resources for developing proper risk mitigation procedures for medical practice reopening.



Up-to-date state guidelines

Information on guidance and requirements states have issued on returning to practice.

Shareable flyer

A flyer is available on the webpage which you can share with your clients—providing them with a tangible resource to help them plan and organize their efforts to reopen their practices.

Return to practice video

Introduction from William Ashley, Senior Risk Resource Advisor.

Visit the new **COVID-19: Returning to Practice Guide** as well as our frequently updated **COVID-19 Information Center**—you can access them from any ProAssurance.com page. This includes a list of all state-specific guidelines which have been issued.

COVID-19 stress affects everyone differently.

ProAssurance insureds get confidential **Winning Focus** coaching at no added cost during the pandemic.



CONFIDENTIAL COACHING FOR PROASSURANCE INSURED: Support for COVID-19 Stress

ProAssurance and Winning Focus, Inc.™ are offering coaching support for COVID-19-related stress to ProAssurance insured physicians and their practice staff. This confidential and non-reportable professional program is available during the pandemic, compliments of ProAssurance.

This new COVID-19 Stress Coaching program builds on the strengths of the Winning Focus coaching program for ProAssurance insureds who are experiencing litigation stress.

What to expect

The process begins by contacting Winning Focus President, Gail Fiore, MA, MSW. Upon hearing the insured's concerns, she recommends two or three highly experienced, doctoral level coaches who specialize in physician stress reduction and resilience. Insureds can choose a coach from these options, selected for them based on their concerns and the coach's areas of focus, taking into account the insured's personality, values, and circumstantial preferences.

Coaching, not therapy

Winning Focus offers highly skilled coaching, not psychotherapy. The coach is a peer. The shared goal is to master the situation. Winning Focus coaches use highly effective, proprietary techniques and insights to diminish and even help resolve anxiety and other concerns. Insureds can then apply these practical techniques and realizations throughout their life, and may share them with patients and loved ones.

Confidentiality

The COVID-19 Stress Coaching program guards confidentiality. No one has access to information shared with Winning Focus coaches. Contact ProAssurance Chief Medical Officer Hayes Whiteside, MD (HayesWhiteside@ProAssurance.com or 205-445-2670) for information about the program.

Contact for insured physicians and their staff



Gail Fiore, MA, MSW, CEAP, BTTI, President
Winning Focus, Inc.
724-875-4111
Gail@WinForDoc.com

Monday – Friday, 9:00 a.m. – 6:00 p.m., ET
Saturdays, 10:00 a.m. – 2:00 p.m., ET

WinForDoc.com

MEDICAL
PROFESSIONAL
LIABILITY

Market Dynamics 2020

As part of our efforts to monitor ongoing market conditions, we have curated the following recent industry articles.

- Best's Market Segment Report: U.S. medical professional liability insurance market remains in flux**—A.M. Best states that it is maintaining a negative outlook on the MPL segment, owing to the COVID-19 outbreak, along with concerns over rate adequacy amid rising loss costs and the impact of social inflation on litigation-driven loss severity trends in the wake of diminishing reserve redundancies. Written by Business Wire, April 29, 2020.
- Companies fear coronavirus liability lawsuits. So far, few exist**—Written by Thomson Reuters, Business Insurance, May 15, 2020. Requires free login.
- Lloyd's expects COVID-19 claims to match 9/11**—Written by Thomson Reuters, Business Insurance, May 14, 2020. Requires free login.

Eight Pandemic Cyber Risks and Suggested Mitigations

I have been on numerous calls in recent weeks and have decided to share some of the pandemic-related risks many of us are seeing and a checklist of suggested mitigations. Here are eight risks many users are experiencing. In many cases companies have solutions in place to lessen these risks so it's important to speak with your Information Technology (IT) leadership. By partnering with IT, you will ensure that you are not adding risk or instability to the overall operation during an already challenging time in your business.

Adopt these mitigations to help you proactively avoid instability in your businesses and optimize the efficiency of your workforce during this time of change. Following your processes and not succumbing to quick fixes will help you continue to manage your cyber risk at appropriate levels for your agency.



Michael Stoeckert
Chief Technology Officer

- 1. Outbreaks can occur in buildings.** Some landlords have re-closed buildings because someone is being tested; others have closed in compliance with local or state mandates/guidelines/requirements.
 - ▶ Be prepared for a trigger to return to remote/work from home plans with little notice.
- 2. Employees are encountering increased levels of stress due to uncertain times.**
 - ▶ Find healthy ways to relieve stress and add structure to your day which has been turned upside down.
 - ▶ Remember to show appreciation to each other and don't underestimate the power of saying "thank you."
- 3. If you need to work remotely, remember to leverage the systems/channels:**
 - ▶ Virtual private networks (VPN) on laptop computers for an in-office experience while out of the office.
 - ▶ Software-based phones with headsets for customer facing roles on laptops.
 - ▶ Software-based phones running in mobile apps for users without laptops.
 - ▶ Platforms that support working from personal devices like Citrix, Microsoft RDP (Remote Desktop Protocol), and Webmail.
 - ▶ Multi-factor authentication
- 4. The public internet for home use is shared, thus performance issues and outages can be expected for remote workers.**
 - ▶ Have remote workers work in shifts, focusing on client service during business hours and back office after hours.
 - ▶ Provide WiFi hotspots for key roles as the cell networks have separate points of presence for the internet.
- 5. Dedicated internet bandwidth to your company may get congested.**
 - ▶ Use burstable connections—these are in many contracts with internet providers and are usually available on demand.
- 6. WAN (Wide Area Network)/MPLS (Multi Protocol Label Switching) becomes congested for multisite networks.**
 - ▶ Utilize VPN user preferences to change gateways to reroute remote users directly to the datacenter that contains your applications.
 - ▶ Try not to rely on the WAN to connect internet users in state 1 to an internet VPN gateway in state 2 to get to the data center in State 1. Have the VPN prefer the State 1 VPN gateway.
- 7. Customer services may be impacted for processes that can't be done remotely like receiving/sending postal mail, check/document printing.**
 - ▶ Communicate with customers that there may be delays of service required to prevent the spread of COVID-19.
 - ▶ Clean and disinfect mail rooms and printshops.
 - ▶ Run the mail room as a clean room wearing hazardous material suits.
- 8. Beware of increases in cyberattacks.**
 - ▶ Keep following your processes so you don't introduce risk into your infrastructure and systems.
 - ▶ Increase security awareness by communicating the increased volume of phishing attempts targeting COVID-19 as a subject.

Status of Medical Conferences and Events

Several local tradeshows and events ProAssurance regularly attends have been cancelled, postponed, or changed to a virtual format due to the COVID-19 outbreak. Those events are noted below.

Get up-to-date information on ongoing event changes on our [Tradeshows and Events page](#).

Previous Dates	State	Event	Host	Status
May 29-31	Florida	Annual Meeting	Alabama Chapter of the American College of Cardiology	Cancelled
June 1-4	Florida	Emerald Coast Conference	Alabama Chapter of American College of Emergency Medicine Physicians	Cancelled
June 2-7	Alabama	Gulf Coast Dental Conference	Alabama Dental Association	NEW DATE August 6-9
June 3-5	Oregon	Annual Conference	Oregon MGMA	Cancelled
June 5-7	Alabama	Scientific Meeting	Alabama and Mississippi chapters, American College of Physicians	Cancelled
June 10-14	Texas	Annual Convention	Texas Osteopathic Medical Association	Cancelled
June 12-14	Alabama	Gulf States Regional Otolaryngology Conference	Alabama and Mississippi Society of Otolaryngology, Head & Neck Surgery	NEW DATE October 30 -November 1
June 16-17	Indiana	Indiana Rural Health Conference	Indiana Rural Hospital Association	NEW DATE November 17-18
June 17-19	Florida	Annual Conference	Florida MGMA	NEW DATE November 2-4
June 19-21	Michigan	Annual Scientific Meeting	Michigan Orthopaedic Society	Cancelled
July 17-21	Florida	Annual Emerald Coast Conference	Alabama Osteopathic Medical Association	Cancelled
July 30-31	Indiana	Annual Conference	Indiana MGMA	NEW DATE October 27-28
August 5-6	Illinois	Annual Educational Conference	Illinois Rural Health Association	NEW DATE October 6-7
August 6-9	Michigan	Michigan Family Medicine Conference & Expo	Michigan Academy of Family Physicians	Cancelled

NEW RISK RESOURCES

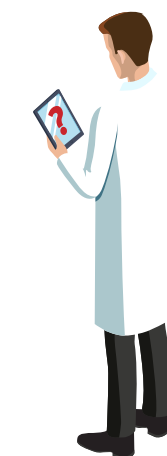
NEW: "What's the Risk?" Video: Telemedicine and Informed Consent

Although some states specifically regulate the process for informed consent in telemedicine, there are a number of general factors a physician should consider when obtaining that consent, such as the nature of the patient's condition, confidentiality, and the technological capabilities necessary. In this [video](#), Senior Risk Resource Advisor Mallory Earley discusses the process for obtaining informed consent when practicing telemedicine.

NEW: Telehealth Consent Sample Form

A new sample telehealth consent form is now available at [ProAssurance.com/SampleForms](#). (You can also find it in the telemedicine sections of our [COVID-19 Information Center](#) and our [Returning to Practice Guide](#).)

Our Risk Resource Advisors (RiskAdvisor@ProAssurance.com or 844-223-9648) can work with you to update these template forms or review your changes to ensure it fits your practice's unique needs. They would also like to hear from you if you have a suggestion about additional forms, checklists, or letters, or how we can improve an existing risk management form.



MEDICAL PROFESSIONAL LIABILITY

COVID-19 Industry Articles

While the situation is changing rapidly, these articles help illustrate the impact of COVID-19 on the healthcare liability industry.

- Like the virus itself, future of malpractice liability is uncharted**—Even as extra precautions are taken, a paradox remains: the crisis mode of the moment ups the ante for potential negligence and the increased contact ups the ante for additional liability. Written by Brandi Buchman, Courthouse News Service, May 1, 2020.
- Survey: Patients likely to wait for care after shelter-in-place lifted**—The survey, commissioned by revenue cycle automation company Alpha Health, found that more than 60 percent of the 5,000 respondents said they would wait a month or more after stay-at-home orders were lifted before they would feel comfortable visiting their physicians. Written by Keith Reynolds, Medical Economics, May 11, 2020.
- Exclusive data: How COVID-19 is affecting physicians and their practices**—Data was collected from 565 physicians via email between May 6 and May 12, 2020. Written by Medical Economics, May 13, 2020.
- A physician details his own battle with COVID-19**—His experience with contracting—and subsequently recovering from—COVID-19 has given him a firsthand perspective on treating and researching the disease. Written by Christine Blank, Physicians Practice, May 7, 2020.
- How poor payer reimbursements are affecting practices during the COVID-19 pandemic**—Many practices have seen their volumes decrease from 30 percent to up to 90 percent, and a significant number are closing their doors for now. Written by Cameron Wood, Physicians Practice, May 14, 2020.
- The devil is in the details: Terms and conditions of CARES Act provider payments**—Many providers turned to the CARES Act relief fund for assistance, but attention to detail is key to navigating this support successfully. Written by Rachel Rose, Physicians Practice, May 8, 2020.
- Where patients are staying home least: State-by-state breakdown**—The week of May 4, an estimated 36.1 percent of U.S. residents stayed home, down from 43.8 percent between March 20 and April 30. Written by Mackenzie Bean, Becker's Hospital Review, May 13, 2020.
- "We're not out of the woods": How hospitals are looking out for their staffs' mental health**—Organizations are not only addressing employees' current stress, but also preparing for a potential increase in mental stress and disorders among employees who have been on the front lines of the pandemic. Written by Kelly Gooch, Becker's Hospital Review, May 14, 2020.
- Healthcare loses 1.4 million jobs in April as unemployment rate hits 14.7%**—The numbers lay bare COVID-19's economic damage, as businesses shuttered amid stay-at-home orders implemented in mid- to late-March. Written by Tara Bannow, Modern Healthcare, May 8, 2020.
- "I can't turn my brain off." PTSD and burnout threaten medical workers**—Before COVID-19, healthcare workers were already vulnerable to depression and suicide. Mental health experts now fear even more will be prone to trauma-related disorders. Written by Jan Hoffman, The New York Times, May 16, 2020.

WORKING FROM HOME: QUICK TIPS FROM TOKIO MARINE

- Update (patch) all the software on your computers and devices.**
- Use extra-long passwords and two-factor authentication for remote access to your organization.**
- Protect all mobile devices with passwords/biometrics and never leave them unattended.**
- Diligently follow all company rules related to remote working and reread all relevant company policies on working remotely.**
- Never use public WiFi to transact sensitive business unless through a Virtual Private Network (VPN) or other secure means.**
- Securely dispose of all sensitive information (including shredding any paper copies) in accordance with company rules.**

Tokio Marine, HCC underwrites ProAssurance's cyber liability coverage. Agents and insureds have access to Tokio Marine's comprehensive cyber risk management resources through the secure services portal (SSP) at ProAssurance.com.

To access these resources, [sign in](#) to the SSP and choose "Data Security Risk Resource & HIPAA" from the "Risk Management" menu. Select "Visit the data security website," enter your state, and choose "Accept." Use the COVID-19 tab on the far left of the main menu to access phishing, HIPAA, and remote working security updates.

Revealing a Brighter Side

With COVID-19 at the center of every news channel, newsletter, and social media platform, life can be overwhelming. Let's take a step back and enjoy the brighter side of life.

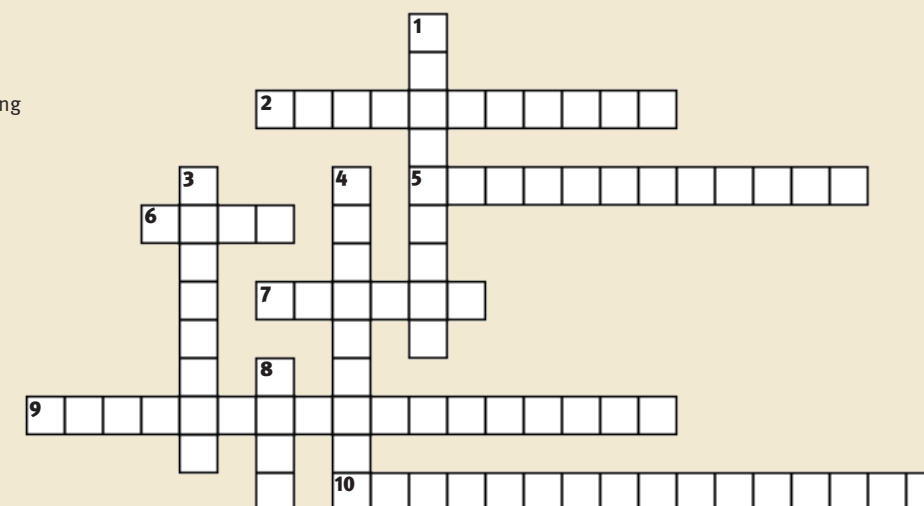
COVID-19 CROSSWORD

DOWN:

- Liquid that is used as an alternative to hand-washing
- Working from home
- DOI directives or recommendations
- Item used to cover you face

ACROSS:

- Another term for COVID-19
- Allows long-distance patient/doctor contact
- Term used to describe a doctor or other frontline worker
- Hairstyle I'm growing since salons/barbers are closed in Michigan
- ProAssurance COVID-19 resource that can be found at ProAssurance.com/COVID-19
- Staying 6 feet apart



VIDEO CONFERENCE CALL BINGO

HI, WHO JUST JOINED?	IS ___ ON THE CALL?	I HAVE TO JUMP TO ANOTHER CALL.	(LOUD, EAR-PIERCING ECHO)	CAN YOU HEAR ME?
NEXT SLIDE, PLEASE.	HELLO? HELLO?	SORRY I'M LATE (INSERT EXCUSE)	CAN WE TAKE THIS OFFLINE?	I'LL HAVE TO GET BACK TO YOU.
CAN YOU SEE MY SCREEN?	I THINK THERE'S A LAG.	___ YOU'RE ON MUTE.	(CHILD OR ANIMAL NOISES)	I'M SORRY, YOU CUT OUT THERE.
SORRY, I HAD INTERNET ISSUES.	(SOUND OF SOMEONE TYPING)	CAN YOU EMAIL THAT TO EVERYONE?	UH, ___ YOU'RE STILL SHARING	IT'S STILL LOADING.
CAN EVERYONE GO ON MUTE?	(SOMEONE TOUCHING THEIR FACE)	SO (CUTS OUT) I CAN (GRUMBLE) BY (CUTS OUT). OK?	SORRY, GO AHEAD.	SORRY, I DIDN'T CATCH THAT. CAN YOU REPEAT?

ISOLATION FAVORITES FROM THE CREW

TV shows

- The Last Dance (Netflix/ESPN)
- Jeopardy! (Netflix)
- The Sopranos (HBO)

Books

- A Beautiful Poison by Lydia Kang
- A Gentleman in Moscow by Amor Towles
- When We Do Harm by Danielle Ofri, MD

Podcasts

- Jeremy Scott Fitness
- Pardon My Take
- BETA

Music playlists

- New Music Friday (Spotify)
- Mood Booster (Spotify)
- Deep Focus Music (YouTube)

What is your office or family doing to enrich the lives of your community? Please share your fun by emailing AskMarketing@ProAssurance.com.

Answers: DOWN: 1. sanitizer 3. telework 4. bulletin 8. mask ACROSS: 2. coronavirus 5. telemedicine 6. hero 7. mullet 9. information center 10. social distancing

PROASSURANCE
Treated Fairly

provisions

To subscribe or see previous issues, visit ProAssurance.com/ProVisions.

REMINDER

All COVID-19 premium credit applications must be submitted by June 5

If an insured's medical practice has been reduced by more than 50% (to 20 hours per week or fewer), we may apply a part-time discount of up to 50% for up to 60 days. Certain exclusions apply such as insureds already on a part-time status, excess & surplus lines policies, senior care/long-term care facility policies, programs with retrospective rating or other profit sharing components, and others.

[Get the discount questionnaire.](#)



Information Center for Policyholders & Agents: ProAssurance.com/COVID-19