

Assess legal risk, payer policies to head off hidden dangers of COVID-19 reopening, *Decision Health Part B News, ft. Abbye Alexander*

Abbye Alexander, KD partner and chair of the Managed Care practice group, was featured in an article written by Roy Edroso published in Decision Health Part B News on May 14, 2020.

If you're reopening your practice during the COVID-19 pandemic, make sure that, along with the clinical and logistical steps you're taking to protect staff and patients, you've also taken steps to protect your practice from legal and insurance issues related to its fallout.

Following state and federal guidelines, many businesses have begun reopening after COVID-related shutdowns. This includes medical practices that have either begun calling patients back to their exam rooms or made plans to do so, with special attention to infection control measures that afford staff and patients the maximum protection possible under the circumstances (PBN 5/4/20).

Your practice is ahead of the game in protecting itself from legal claims if it meets government guidelines — which generally involve reopening only when infection rates in the area subside, having sufficient stocks of personal protective equipment (PPE) and modifying operations by, for example, segregating COVID and non-COVID patients, experts tell Part B News. That puts you in a good position to avoid a situation that may arise from a post-reopening patient becoming infected with COVID-19 and blaming it on the practice.

But experts also believe you should look beyond your logistical defense and consider your legal and insurance exposure involving claims of negligence leading to infection, as well as non-coverage for unanticipated situations.

What does the law protect?

You may have heard about government actions to protect providers legally in the public health emergency (PHE), such as the Executive Order issued by Pennsylvania Gov. Tom Wolf on May 6.

Wolf's and many other state governments have acted to "afford immunity for health care facilities and health care professionals providing care during the COVID-19 pandemic, in good faith during the COVID-19 state of emergency, and in support of the respective states' response to the COVID-19 outbreak," says Abbye Alexander, partner with Kaufman Dolowich & Voluck and chair of the firm's managed care practice group.

"Generally, such immunity orders limit civil liability for injury and death alleged to have been sustained directly as a result of an act or omission by such medical facility or professional," Alexander adds.