

Abington Hospital starts mediation effort

By: **SANDRA MOYER** (Fri, Mar/28/2008)

In an effort to reduce lawsuits related to medical liability, a pilot mediation program involving both doctors and lawyers has been established at Abington Memorial Hospital.

The program, three years in the making, is touted as a step in the right direction for patients and their families seeking answers to medical questions.

Officials hope the consortium, believed to be the first of its kind in the area, will serve as a model to be used at other hospitals throughout Pennsylvania.

In addition to Abington Memorial, the Montgomery County Medical Society and the Montgomery County Bar Association are also involved with the program.

The idea of mediation was one of several tort reform measures promoted by the state Supreme Court in 2002 in response to rising malpractice insurance rates facing physicians in Pennsylvania. Doctors left to practice in states with lower malpractice rates and, as a result, some facilities, including Abington's trauma center, closed briefly.

The situation also exacerbated a divide between the medical and legal professions.

"We've been on a journey over the past decade to improve the safety and quality in our hospital," said Dr. John J. Kelly, hospital chief of staff, at a press conference Thursday to announce the new program.

Health care administrators are hopeful that by addressing conflicts with the mediation process, a two-tiered effort, problems can be addressed before turning adversarial — and costly.

The first level of the process begins with talking to one of the 70 doctors and nurses at the hospital that received mediation training.

If the problem is not resolved there, patients can go to the next level, choosing from a list of mediators provided by the county's bar association and medical society.

Even with mediation, patients do not lose the legal right to go into the courtroom, said Dr. Mark Lopatin, chairman of the mediation task force at Abington.

"But the process gives patients and doctors a chance to communicate with each other before each side has a chance to harden their positions," he added.

"There is healing through mediation."

State Rep. Josh Shapiro, a Democrat representing parts of Montgomery County, and state Sen. Stewart Greenleaf, a Republican representing parts of Bucks and Montgomery counties, both see the pilot program becoming a model for other communities throughout Pennsylvania.

"There are so many cases that don't belong in the courtroom," said Greenleaf.

Robert Slota, immediate past president of the Montgomery County Bar Association, said patients have not had much recourse "short of seeing legal counsel" when it came to complaints about a medical facility or health care professional.

By having a dialogue, more disputes should be resolved earlier before heading into litigation, he said.

For Lillian Scher, a simple "I'm sorry" made all the difference in the world.

The Warwick Township woman underwent mediation at the hospital about five years ago. Her husband, Julius, who was taking Coumidin, a blood thinner, for heart problems was admitted to the hospital after a fall. Even after tests, medical personnel failed to determine that her husband was bleeding internally, and, as a result, died after being a patient for a few days.

Scher and her attorney filed a lawsuit against the hospital and medical personnel involved, but decided to go into mediation to resolve the conflict.

Instead of a financial settlement, which she did receive, "at the time I wanted satisfaction from the hospital that they realized what they did and what they didn't do."

As a result of what happened, the hospital has initiated changes, including putting in place guidelines in caring for patients on Coumidin, she said.

A patient safety lectureship, which brings in national speakers who discuss patient safety issues with hospital personnel, also was established through donations by Scher following the mediation.

More importantly, Scher felt heard.

"I got a lot of 'I'm sorrys', " she said.

Sandra Moyer can be reached at (215) 345-3186 or smoyer@phillyBurbs.com.

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