

## BLOG

# New Risks for Health Care Providers Amid Coronavirus

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Hospitals, long-term care, and medical facilities are on the front lines of the pandemic. In addition to the mounting financial losses and personal sacrifices health care workers have had to make, health care organizations face new sets of challenges almost daily.

Here, we address some of the emerging risks and mitigating factors health care providers are experiencing today.

### **New Exposures from Telemedicine**

With most of the country under some form of stay-at-home order since March, telemedicine services have skyrocketed. Experts say telemedicine has grown more in the last two months than in the last two years and is expected to continue to grow after the pandemic. To put it in perspective, the Ascension health system reported a [2,000% increase in virtual appointments in March](#).

Telemedicine has allowed providers to reach more patients and help minimize the spread of the pandemic. However, the telemedicine model can bring on a whole host of new exposures. Already one of the most targeted industries by cyber criminals, health care organizations have seen a [spike in cyberattacks](#) during the pandemic. Ensuring systems are in place for secure communication and accurate transmission of data between provider and patient is key. Other exposures related to telemedicine include proper licensing for diagnosis across state lines, changes in Medicare reimbursement, documentation and informed consent. There are a number of excellent national resources providers can turn to for information, such as the [American Telemedicine Association](#).

### **Mitigating Medical Malpractice**

The pandemic has placed enormous pressure on health care workers and has stretched many to the limit. With hospital employees overworked and exhausted from working longer hours caring for COVID-19 patients, there are more chances for mistakes. Additionally, hospitals have taken on medical professionals from other states, medical students and retired health care workers to meet the demand. Medical schools like NYU accelerated graduation to provide more doctors. All of these factors open the door to medical malpractice suits. Down the road, there could be batch claims in which patients were misdiagnosed because practitioners were tired. Patients who didn't receive adequate care because of a lack of



equipment such as ventilators, or who caught COVID-19 while being treated for something else might also have cause for lawsuits.

Many states are stepping in to shield providers by introducing [bills that grant immunity from civil lawsuits](#). This is an evolving development we are following closely to understand the impacts on the medical malpractice insurance marketplace.

## Plans for Re-opening

During the pandemic many health care organizations were ordered to close and discontinue providing elective procedures. Others voluntarily closed due to reduced volume. As states begin to lift stay-at-home orders and facilities re-open, processes must be in place to maintain a safe environment and a healthy workforce. It is important that appropriate measures are in place to mitigate another outbreak as well as ease staff and patient concerns associated with re-opening. This includes sanitizing the facility, regular testing and screening of patients and providers, and maintaining an adequate supply of personal protective equipment (PPE) for providers. The following organizations provide resources for reopening with specific guidelines for health care organizations:

- [CDC](#)
- [OSHA](#)
- [CMS](#)

## Financial Impact and How Insurance Is Responding

Health care organizations are feeling the financial burden from COVID-19. Elective procedures, which are highly profitable for providers, have largely been canceled during the pandemic. Some facilities have been forced to close temporarily, cutting off all revenue. The question so many providers have is whether there is any recourse for recouping losses from insurance carriers. Right now, there is a lot of uncertainty and no simple answer.

At Risk Strategies, we're working with our claims teams to research existing policies for exclusions and limits and will continue to serve our clients to maximize their coverage. We are also following the development of new insurance products in the marketplace that may fill the coverage gaps in existing insurance programs. Finally, we've identified ways to assist our clients through these tough financial times, including extended premium payment plans, reassessment of exposures and other cost-saving methods.

You can reach out to our health care team to learn more.

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