Medical-Legal Committee

1. Develop resources for members that address the risk aspects of Choosing Wisely, electronic health records, and social media.

   **Outcome:** Information has been prepared and will be presented to the Board in October 2016. The information is being considered for publication in an ibook on the risk aspects of practice.

2. Develop an information resource on managing Advanced Practice Providers and ensuring their competency in caring for patients with increasing acuity.

   **Outcome:** A paper was developed and permission sought from the Society from Emergency Medicine Physicians to use information published on their website. The paper will be submitted to the Board for review in October 2016.

3. Revise and repeat a poll of emergency physicians, utilizing the Emergency Medicine Practice Research Network, related to the frequency of being sued, experiences, outcomes, and the types of cases.

   **Outcome:** The survey was reviewed by the Board in April 2016 and distributed to the EMPRN. Results are being compiled and will be presented to the Board in October 2016 and then submitted for publication consideration.

4. Review, update, and provide information to members on medical legal matters that impact the administrative and clinical practice of emergency medicine.

   **Outcome:** The committee responded to questions and provided assistance to members throughout the year.

5. Participate in the review of clinical policies and provide information on potential medical-legal issues.

   **Outcome:** The committee reviewed and provided feedback on the following clinical policies:
   - Clinical Policy: Children Younger Than Two years Presenting to the ED With Fever
   - Clinical Policy: Critical Issues in the Initial Evaluation and Management of Patients Presenting to the Emergency Department in Early Pregnancy
   - Clinical Policy: Critical Issues in the Diagnosis and Management of the Adult Psychiatric Patient in The Emergency Department

6. Recommend topics of interest on medical legal matters to the ACEPNow editorial board.

   **Outcome:** The committee continues to research topics of interest for ACEPNow.

7. Submit a nomination for the 2016 Rorrie Health Policy Award.

   **Outcome:** The committee submitted a nomination by the deadline. The same nominee was submitted by another committee. The nominee was approved by the Board in April 2016.


   **Outcome:** The committee reviewed the current Choosing Wisely recommendations and found no medical legal issues.
9. Complete development of a briefing paper for distribution on the influence of liability concerns (defensive medicine) and the relation to the practice of emergency medicine.

Outcome: A draft document will be provided to the Board in October 2016.

10. Finalize the information paper on indemnification clauses in contracts.

Outcome: The Board reviewed the information paper “Indemnification Clauses in Emergency Medicine Contracts” in April 2016. Develop an information paper on the differences between testimony in civil and criminal cases for emergency physicians.

Outcome: The committee has struggled with the components of this objective since 2013 and sought clarification regarding the desired outcome. The president and president-elect agreed to cease work on the objective in May 2016.

11. Explore development of a policy statement on anonymous affidavits of merit.

Outcome: The Board approved the policy statement “Anonymous Affidavits of Merit” in June 2016.

12. Work with the Ethics Committee, Emergency Medicine Practice Committee, and the Palliative Medicine Section as needed to develop an information paper on the ethics of palliative and end of life care in the ED. (Ethics is the lead committee.)

Outcome: The committee provided comments on the draft information paper. The Ethics Committee will continue to work on this objective in 2016-17.

13. Work with Ethics Committee, Emergency Medicine Practice Committee, and Emergency Telemedicine Section as needed to develop a policy statement on the ethics of appropriate use of telemedicine in the ED. (Ethics is the lead committee.)


14. Work with the Public Health & Injury Prevention Committee, as needed, and other stakeholders to explore the development of recommendations for commercial aircraft availability of onboard testing capabilities and communications with onboard and on-ground medical personnel for in-flight medical emergencies. Potential stakeholders to include: Air Medical Transport Section, Medical-Legal Committee, Aerospace Medical Association, and the AMA. (Public Health & Injury Prevention is the lead committee.)

Outcome: The committee provided input as requested. An information paper was drafted outlining subcommittee discussions and recommendations. ACEP has a designated representative to the Aerospace Medical Association Airline Medical Kits Working Group and a report with recommendations was reviewed by the Board in June 2016.

15. Work with the Ethics Committee as needed to review and revise the “Procedures for Addressing Charges of Ethical Violations and Other Misconduct” as directed by Amended Resolution 11(15) Ethical Violations by Non-ACEP Members. Develop a College Manual resolution for submission to the 2016 Council. (Ethics is the lead committee.)

Outcome: The Ethics Committee and the Medical-Legal Committee had differing viewpoints about the resolution and presented their recommendations to the Board in June 2016. The Board assigned a workgroup of Board members and members of both committees to develop recommendations for implementation of the resolution. Their work will continue in 2016-17.
16. Review Referred Resolution 44(16) State Medical Board Review of Emergency Medicine Practice and provide a recommendation to the Board regarding further action on this resolution.

Outcome: The committee will continue to work on this objective in 2016-17 and anticipates providing a recommendation to the Board in January 2017.