

Final Objectives 2023-24

Medical-Legal Committee

Chair: Diana Nordlund, DO, JD, FACEP

Board Liaison: Heidi C. Knowles, MD, FACEP

Staff Liaison: Laura Wooster, MPH

1. Develop a peer based assistance program to provide individual guidance to ACEP members on medical-legal related issues, and other issues as directed by the Board and in conjunction with experts from other appropriate committees or sections of the College.
2. Participate in the review of new clinical policies and provide information on potential medical-legal issues.
3. Develop the following information papers:
 - Identification of recent specific antitrust violations by insurers, especially in light of implementation of the Competitive Health Insurance Reform Act of 2020 that repealed the McCarran-Ferguson antitrust exemption. Obtain input from the Emergency Medicine Practice Committee and the Reimbursement Committee. (Medical-Legal is the lead committee.)
 - Specific considerations for emergency medicine around unionization of physicians, including options for pursuing it, and any potential limitations such as state or local restrictions, EMTALA considerations, etc. Obtain input from the Emergency Medicine Practice Committee and the State Legislative/Regulatory Committee. (Medical-Legal is the lead committee.)

Note: Information papers must be submitted to the Board of Directors for a 30-day comment period prior to submission to ACEP's peer-reviewed journals (Annals of Emergency Medicine and JACEP Open). Author attributions must also include that the information paper was developed for the Medical-Legal Committee.

4. Continue to work with EMRA to identify and address the needs of emergency residents relative to medical-legal education (employment contracts, EMTALA, etc.)
5. Review the following policies per the Policy Sunset Review Process:
 - Medical Practice Review and the Practice of Medicine
 - Use of Nurse Implemented Order Sets

Determine by December 15 if the policies should be reaffirmed, revised, rescinded, or sunsetted. Submit any proposed revisions to the Board for approval by the end of the committee year.

6. Collaborate with the Diversity, Equity, & Inclusion Committee; Diversity, Inclusion, & Health Equity Section; and the Social Emergency Medicine Section to develop a policy statement and Policy Resource & Education Paper (PREP) to address Amended Resolution 54(21) Understanding the Effects of Law Enforcement Presence in the Emergency Department. (Medical-Legal is the lead committee.)
7. Collaborate with the Ethics Committee and the Public Health Committee to develop a medical bill of rights for all ED patients that includes rights for vulnerable patient groups and detained or incarcerated persons. (Ethics is the lead committee).
8. Develop a policy statement to address the first resolved of Resolution 37(22) Enhance Patient Safety and Physician Wellness to support the protection of all participants in discussions of cases of potential medical error, whether Morbidity & Mortality Conferences (M&M), Root Cause Analysis (RCA), or any patient safety forum, from legal discovery.
9. Review ACEP's policy statement "[Anonymous Affidavits of Merit](#)" and determine if revisions should be made or whether a new policy statement should be developed in response to Amended Resolution 48(23) Medical Malpractice Certificate of Merit.

RESOLVED, That ACEP recommends an affidavit of merit must be from an emergency physician who is board certified per ACEP policy in the same specialty of emergency medicine, as well as licensed and currently practicing in the same state.