

RESOLUTION 12-14

Title: National Quality Standards Not De Facto Legal Standards

Introduced by: P. Dileep Kumar, MD, for the St. Clair County Delegation

Original Author: P. Dileep Kumar, MD

Referred to: Reference Committee B

House Action: Approved as Amended

Whereas, various quality standards formulated by several agencies and insurance companies are used to determine payment levels for physicians, and

Whereas, several of the quality standards are questionable and not completely preventable such as penalizing for catheter associated urinary tract infection in hospitalized patients, and

Whereas, poor performance in those parameters compared to peers results in punitive measures by payers such as Medicare, giving an aura of incompetent management, and

Whereas, these standards have a potential to become de facto legal standards; therefore be it

RESOLVED: That MSMS formulate a strategy to prevent the adoption of quality measures, several of which are not scientifically valid or feasible (such as complete prevention of urinary tract infection in catheterized patients in a hospital setting), from becoming de facto legal standards in malpractice lawsuits.

WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE