

ISMIE-news



Your Source for News on Medical Liability and Managing Risk

July 1, 2014

In observance of Independence Day, ISMIE Mutual's offices will be closed Friday, July 4.



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They're at it Again ...

Lady Gaga Plagiarism Lawsuit "Belted" Out of Illinois Court

1. Navigate Medical Records Access, Retention Rules with July Webinars

Chart your course for two upcoming webinars co-sponsored by ISMIE and the Illinois State Medical Society. You'll learn the particulars of who may be authorized to view patient records, and under what circumstances. CME is offered, and both webinars can be taken right from your home or office at no charge to policyholders and staff.

Here's the rundown:

Medical Records FAQs Part 1 will be held on **July 15, 2014** from noon to 1 p.m. and covers what constitutes a medical record, who may authorize the release of a medical record, what the law says about releasing medical records, and when it's necessary to have specific authorization for certain types of medical records, such as mental health records.

You'll also learn:

- The authorization needed to comply with a subpoena or a court order.

Here's a tune that should be played more often in the Prairie State ...

Lawsuit restraint.

A federal judge in Chicago last week [threw out a plagiarism lawsuit](#) against pop star Lady Gaga, filed by a former collaborator who claims the singer stole her song without proper attribution.

The judge said "simply listening to the songs, as the law requires, reveals their utter lack of similarity ... Thus, we find the similarity of expression to be, quite clearly, totally lacking."

Too often these kinds of logical and reasonable judicial decisions are lacking. Let's hope such treatment is offered to everyone and not just those generating today's top playlist!

- When the law will allow release of a medical record without prior authorization.
- What information must be released for a workers' compensation claim.

[Register for Part 1.](#)

Medical Records FAQs Part 2 will be held on **Aug. 12, 2014** from noon to 1 p.m. and will discuss how much of the medical record needs to be released, what the time frame is for releasing a properly authorized medical record, what your practice can charge for copying a medical record, and circumstances under which you can withhold the release of a medical record.

Also covered are:

- What the law requires when releasing medical records of minors or deceased patients.
- What you need to do if your records are destroyed, lost or stolen, or if a physician leaves the practice.
- How records should be stored and for how long.

[Register for Part 2.](#)

Upon completion, you'll be assured of smooth sailing when it comes to understanding the federal and state laws governing medical records.

Questions? Contact the Risk Management Division at 800-782-4767 ext. 3300 or [by email](#).

2. Retirement Tail Option Provides Flexible Choices

If you are either 55 years of age and have been insured with ISMIE for the last five consecutive years or have been insured with ISMIE for the last 10 consecutive years (regardless of your age), your retirement tail coverage is free of charge.

Eligibility for this benefit requires your full retirement. However, you may continue to participate in some professional activities without jeopardizing your tail coverage, such as:

- Providing health care services to patients without remuneration.
- Providing health care services to patients outside the United States, its territories and possessions.
- Serving in an administrative role or academic position, which does not include providing health care services to patients.

Please note that the retirement tail coverage does not provide coverage for the above activities. Upon your

written request, Underwriting will determine your tail coverage eligibility.

Contact Underwriting with any questions at 800-782-4767 ext. 3350 or [by email](#). If you utilize an insurance broker, you may also wish to contact him or her.

Retired and want to volunteer? A financial road block has just been cleared

Thanks in part to an initiative by the Illinois State Medical Society, [Governor Quinn signed into law a bill](#) that allows retired health care professionals to get volunteer licenses at no or nominal cost. This applies to those physicians who volunteer their services at free medical clinics.

Kudos to the Illinois State Medical Society and the state legislature for helping retired physicians to go beyond the call of duty for Prairie State patients!

3. Help Patients Stay Safe amid Fourth of July Fireworks

This Friday is the Fourth of July, bringing the risk of injury to people celebrating the day with fireworks.

Here are a [few reminders from the State of Illinois](#) to pass on to your patients and their families so that they can enjoy the weekend safely:

- Children playing with any type of novelty firework should be closely supervised by adults.
- Sparklers are dangerous because the wire remains very hot after use.
- Firecrackers, bottle rockets and Roman candles are illegal in Illinois.

As we celebrate our nation's birthday, ISMIE wishes everyone a safe and happy holiday!

Let us know how we can make **ISMIE-news** more useful to you.
Please send your comments to e-news@ismie.com.