



DREXEL UNIVERSITY COLLEGE OF MEDICINE

MEDIATION PROGRAM

This pamphlet describes the Mediation Program used by Drexel University College of Medicine. The Program is used whenever our patients believe they did not receive the quality of care they expected, and they may have unanswered questions for their doctors and midwives.

Agreeing to mediation means that a patient will try to settle a dispute through the Mediation Program before seeking legal action. Patients do not surrender any rights. In fact, we believe this process adds to patients' rights. The Mediation Program requires the doctor and patient to meet with a mediator to discuss the dispute. Mediation has been proven to be highly effective in resolving problems. The patient does not pay for mediation, and the patient determines when the mediation process begins. Mediation does not take up much time. We hope that, through mediation, all questions will be answered and all disputes will be resolved to the satisfaction of the patient, and the patient will be assured that other patients will not experience the same situation. If a patient is not satisfied at the end of the process, the patient has the right to pursue legal action.

This booklet answers the questions that are most often asked by our patients. If you have other questions, you should **ask your doctor**. Or you can call **Health Care Resolutions**, the nationally recognized company in Conshohocken, Pennsylvania, that runs this Mediation Program for us: **(610) 834-8566**.

We believe our Mediation Program is really good. We hope you won't need to use it, but if you do, we are sure it will be helpful for everyone.

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Drexel University College of Medicine
MEDIATION PROGRAM

Q. What does “mediation” mean?

A. Mediation is a process of talking together to try to work out a problem or disagreement. We will use a professional helper, who is called a “mediator.”

Q. What’s so good about mediation?

A. Mediation will allow you and your physician to talk freely about your care and concerns. In mediation, doctors are able to explain what happened during the procedure, what they found out afterwards when they investigated it, and if necessary, what steps they are taking to make sure the same kind of issue doesn’t happen again.

Q. What does a mediator do?

A. We know that many problems are caused by bad communication. If people don’t understand each other, they may get angry. Mediators make sure that each party understands what the other is saying. Mediators try to get each person to see the other person’s side or point of view. Mediators also help us figure out ways of solving the problem.

Q. What kinds of issues are mediated?

A. If you have a complaint about the quality of care that you have received from one of our doctors or nurse midwives, that’s what we ask a mediator to help us resolve.

Q. How does mediation work?

A. A mediation takes place in a conference room, not a courtroom. You get to say what you feel and ask questions. If you want, your doctor can discuss with you the care you received what was done to treat your medical problems.

Q. What kinds of things will the mediator actually do?

A. The mediator will talk with us together in the same room and sometimes by ourselves in separate rooms. The mediator will work to make sure everyone really understands each other. The mediator will try to get us to arrive at a solution to any problem. The only purpose the mediator has is to help us reach understanding and agreement.

Q. Do mediators have special training?

A. Yes. They are often lawyers who have been specially trained by experts in mediation. They specialize in medical malpractice lawsuits. They know both sides – the plaintiff’s (patient’s) side, and the defendants’ (doctor’s and hospital’s) side.

Q. Who picks the mediators?

A. You do, from the list that will be given to you by Health Care Resolutions (HCR). HCR is a private company that has no connection at all with the College of Medicine other than providing mediation services. Anyone can use it. HCR will give you a list of their trained mediators along with a brief description of each mediator’s experience in the medical malpractice field. You can ask HCR who they think might be a good choice and why they think so.

Drexel University College of Medicine
MEDIATION PROGRAM

Q. How many mediators will there be?

A. It depends on what kind of problem is involved. Sometimes one will be enough; sometimes two will be better. HCR will help decide.

Q. Can I have a lawyer with me at the mediation?

A. Yes. Sometimes it is very important for lawyers to be involved in mediation; sometimes it is not so important. If you want a lawyer to represent you, that is fine. The most important thing, though, is for us to speak directly to each other, rather than through our lawyers.

Q. What do I do if I don't have a lawyer?

A. If you and your family do not have a lawyer whom you know and trust, you might think about asking friends or co-workers, or your priest, rabbi, or spiritual adviser. If you would like help finding a lawyer, HCR keeps a list of respected lawyers who are experts in representing the plaintiff (the patient or patient's family) in health care disputes. You can call HCR and talk with them about those lawyers. If you choose a lawyer from HCR's list, you can count on them to represent only your interest. That is their sworn, professional duty. HCR does not get paid by anyone for providing this service; however, *you will be responsible for paying your lawyer for mediation*. There are different ways you can arrange to pay for your lawyer, which they will discuss with you.

Q. What is Health Care Resolutions?

A. HCR is a private company that has no connection at all with Drexel University College of Medicine. Its founder has developed a federal mediation program for Medicare beneficiaries in Pennsylvania and other states and has served as a special consultant to the Pew Project on Medical Liability in Pennsylvania. She also serves on the Pennsylvania Supreme Court's Medical Malpractice Mediation Task Force. You can find out more about HCR on its website: www.healthcareresolutions.com. HCR is located in Conshohocken, Pennsylvania.

Q. How long does mediation take?

A. Sometimes it takes a few months for everyone to schedule and get ready for the mediation, but the process often begins and ends the same day. Complicated problems may take longer.

Q. What happens at the end?

A. If it works, we will both agree on how to solve the disagreement or problem. Sometimes the result is a monetary settlement; other times it is a change in the way hospitals and doctors practice. *Every* time, everyone ends up understanding each other better. The mediator will write up an agreement for us to read and sign. Once we sign that agreement, the dispute will be over and there won't be any lawsuit. Your lawyer can help you understand this important legal document.

Q. Can I bring someone with me?

A. Yes, of course you can.

Drexel University College of Medicine
MEDIATION PROGRAM

Q. Will my doctor be there?

A. Yes. That's the best part: your doctor is the person who really knows what happened and will be there to discuss your medical care with you, if that will help. Someone from the College of Medicine will probably also be there to help make sure we understand your concerns and learn from them. The mediator will help make sure you get all your questions answered.

Q. What do I give up if I agree to mediation?

A. Nothing at all. It's free for you, and the amount of time you have to file a lawsuit (the "statute of limitations") will be extended by the length of time the mediation process takes. Of course, you can file a complaint, grievance, appeal or Fair Hearing with your health insurance plan at any time you think you need to, even if you sign up for this Program.

Q. Can I be penalized for what I say?

A. No. Everything that is said is *confidential*. That means, what you say and what your doctor says remains private. You don't have to worry that someone will write down what you say (they won't), or that someone will try to trip you up with it if you go to court later.

Q. How much will mediation cost me?

A. The doctors and hospitals pay all of the costs of the mediation. You have to pay for your own lawyer if you choose to have one. In cases where you might receive money in settlement, many lawyers will agree to represent you for a "contingency fee" – that is, a portion of the money you receive. You should be sure to discuss this with your lawyer.

Q. If I sign the "Agreement to Mediate Health Care Disputes," is it binding on me?

A. Yes, it is a legal contract. When you sign it, it means that you agree to use mediation to try to settle any health care dispute with your doctor or the College of Medicine, before you file a lawsuit. You can cancel the Agreement by delivering a letter to your doctor's office saying "I cancel my Mediation Agreement." If you do that, you only have to mediate any issue or claim that results from care you received before you cancelled it.

***If you have any more questions about our
Mediation Program, please ask your doctor!***

***Thanks for being our partner
in this important program.***