



Best Practices for Insurers Involved in CARE Matters

- 1. Approach the CARE Program as a comprehensive, collaborative process. Timely and fair resolution, regardless of whether compensation is offered, should be the goal in all cases.**
- 2. Support healthcare institutions in a thorough review of the case, including identification and implementation of patient safety improvements.** Healthcare institutions may be wary of conducting their own investigation or fixing problems identified due to historical messaging about changing practice in light of a claim or lawsuit. The CARE process is designed to, above all, improve patient safety, and insurers should reassure and support healthcare institutions to understand root causes of the events and implement corrective actions whenever possible.
- 3. Advise the patient/family of their right to representation by counsel if it is determined that the insured healthcare provider(s) deviated from the standard of care resulting in significant preventable harm to the patient.** The insurer should encourage the patient to retain an attorney who is familiar collaborative case resolution and may direct them to [MACRMI's list of attorneys](#) who are committed to MACRMI's Best Practices and collaborative resolution of cases through the CARE program. CARE resolutions are often complex, involving liens and/or governmental benefits, and are far more successful for all parties involved when a patient is represented by counsel. For more information on studies that demonstrate the benefits to all stakeholders of having an attorney involved when compensation is offered, please see [report](#) by the Harvard Negotiation and Clinical Mediation Program and [article](#) published in the Healthcare Professional Liability Review.
- 4. Keep all parties apprised of the progress of the case review.** When insurers and external medical experts are evaluating the care rendered, it is often difficult for providers and patients to understand the steps and timeline for review. It is helpful for everyone involved to have regular updates from the insurer of the progress so that their expectations are set appropriately and positive relationships are maintained.
- 5. Utilize mediation as needed to facilitate collaboration and compromise.** In the CARE process, there should be an active reorientation away from a strictly adversarial approach and recognition that mediation can be a useful vehicle in reaching optimal solutions. In circumstances where it is agreed that compensation is warranted, but the amount of that compensation is contested, mediation may be an effective tool to promote cooperative resolution and reconciliation. When multiple insurers, healthcare providers or entities are involved, insurers should work collaboratively to help affect a timely and fair resolution.