

# MEDIATION TRAINING FOR HEALTH CARE DISPUTES

*Intensive Small Group Interactive Course for Physicians and Hospital Executives*  
**A PHYSICIAN LEADERSHIP TRAINING PROGRAM**

**January 26-28, 2000 or April 12-14, 2000**

*Offered by Massachusetts General Hospital, in association with the American Arbitration Association*

*at the*  
**American Arbitration Association – Boston, Massachusetts**

## **CORE FACULTY**

**David Hoffman, Esq.**, Hill & Barlow; President, Society of Professionals in Dispute Resolution (NE Chapter)

**Dina Beach Lynch, Esq.**, CEO, Strategic Conflict Management Associates

**Steven Nisenbaum, Ph.D., J.D.**, Massachusetts General Hospital; Instructor in Psychiatry, Harvard Medical School

**David Christopher Christiani, M.D., M.P.H., M.S.**, Massachusetts General Hospital; Professor of Occupational Medicine, Harvard School of Public Health; Professor of Medicine, Harvard Medical School

## **PROGRAM DIRECTORS**

**David Christopher Christiani, M.D. and Steven Nisenbaum, Ph.D., J.D.**

## **PROGRAM DESCRIPTION**

This three-day course is open to a maximum of 24 participants. The seminar format includes 30 hours of didactic presentations, videotape and live demonstrations of mediation techniques, and extensive use of specially designed role-play simulations by trainees with critique by experienced mediator trainers. The course is designed to teach physicians and hospital executives how to use mediation to achieve effective risk management in a variety of health care delivery settings, as well as in disputes involving employment and resource allocation issues.

## **PROGRAM OBJECTIVES**

- Receive intensive training in mediation skills for resolving disputes involving hospitals, HMOs, insurers, physician groups, patient benefits coverage and care.
- Learn the models of mediation and alternative dispute resolution, theories of communication, negotiation methods and styles, psychological barriers to settlement, ethical standards for mediation practice, and the advantages of mediation over litigation.
- Participate in role-play exercises for key types of health care disputes -- *e.g.*, negligence and professional malpractice liability, physician group practice internal disagreements, resource allocation disputes, and human resource issues (discrimination, harassment, Americans with Disabilities Act, hire & discharge).
- Discuss applicability of mediation to various health care delivery problems -- *e.g.*, "medical necessity" and specific medical procedures, length of treatment, referral to specialist, second opinions, restricted formulary, waiting time, length of stay, "alternative" medicine, experimental procedures, continuity of care, out of plan coverage.
- Receive update on Joint Commission of AMA, ABA and American Arbitration Association "Health Care Due Process Protocol" and pending patient rights legislation.

## **ACCREDITATION**

Harvard Medical School is accredited by the American Accreditation Council for Continuing Medical Education (ACCME) to sponsor continuing medical education for physicians. Harvard Medical School takes responsibility for the content, quality, and scientific integrity of this CME activity.

Harvard Medical School designates this educational activity for a maximum of 30 hours in category 1 credit towards the AMA Physician's Recognition Award. Each physician should claim only those hours that he/she actually spent in the educational activity.

This course is designed to meet the requirement for 30 hours of Risk Management credit in Massachusetts.

**PROGRAM**

**Day One**

7:30 am Registration and Continental Breakfast  
8:00 Introductions and Overview of Training  
8:15 Warm-up Exercise  
8:45 Overview of Alternative Dispute Resolution (ADR)  
9:00 Mediation: How It Works, Why It Works  
10:00 Break  
10:15 Conflict: Sources and Responses  
10:45 Communication (Exercise and Discussion)  
11:15 Active Listening Skills and Overcoming Barriers to Effective Communication  
11:45 Negotiation: Methods and Styles  
12:15 pm Working Lunch: Mediation Demonstration and Discussion  
1:45 Mediation Techniques: Opening Statement (Exercise and Discussion)  
2:15 Mediation Techniques: Initial Joint Session -- Goals and Techniques  
2:45 Mediation Techniques: Caucusing -- Goals and Techniques  
4:00 Break  
4:15 Dealing with Difficult People (Fishbowl Exercise)  
5:00 Race, Gender, Culture and Other Diversity Issues in Mediation  
6:00-6:30 Summary: Comments and Questions

**Day Two**

7:30 am Continental Breakfast  
8:00 Addressing Power Imbalance  
8:45 Role Play and Discussion

Plus optional Saturday morning discussion at MGH concerning legal and risk management issues in health care disputes

**Day Two (continued)**

10:15 Break  
10:30 Ethical Dilemmas: Lecture, Discussion  
11:45 Mediation Styles  
12:30 pm Working Lunch: Video of Mediation  
2:00 Breaking Impasse: Risk Analysis and Other Techniques  
2:30 Role Play and Discussion  
4:00 Break  
4:15 Distributive Bargaining  
4:45 Legal Issues: Confidentiality, Liability, Enforceability of Mediated Agreements  
6:00-6:30 Summary: Comments and Questions

**Day Three**

7:30 am Continental Breakfast  
8:00 Applying Mediation to Health Care Disputes: Issues  
9:30 Role Play and Discussion  
11:00 Break  
11:15 Agreement Writing and Closure  
12:45 pm Working Lunch: Video of Role Play  
2:00 Role Play and Discussion  
4:45 Break  
5:00-6:30 Resources, Opportunities, Professional Organizations; Summary, Comments

**GENERAL INFORMATION**

**REGISTRATION INFORMATION:**

**Tuition Fee for Physicians and Hospital Administrators - \$1,850 (U.S.).** The tuition fee covers all session fees, course materials, complimentary beverages and snacks. Additional costs will include travel, hotel accommodations, and meals. Please make checks payable to *Harvard Medical School* (credit cards **not** accepted) and mail with application form to Harvard MED-CME, P.O. Box 825, Boston, MA 02117-0825. All foreign payments must be made by a draft on a United States bank. Inquiries should be directed to the above address, made by phone: (617) 432-1525, Monday- Friday, 10 a.m. to 4 p.m. (Eastern Time), or by e-mail: [hms-cme@hms.harvard.edu](mailto:hms-cme@hms.harvard.edu).

**REFUNDS:**

A handling fee of \$50 is deducted for cancellation. Refund requests must be received by mail one week prior to the course. No refunds will be made thereafter.

**COURSE LOCATION:**

All sessions will be held at the **American Arbitration Association**, 133 Federal Street, 10th Floor, Boston, MA 02110.

**ACCOMMODATIONS AND TRAVEL:**

Participants who require local accommodations may make reservations themselves at nearby hotels, and meals may be obtained at restaurants in downtown Boston. A listing of selected local hotels will be provided upon request. The intensive nature of this course and the role-play format requires that the entire time be kept free for program participation and activities. Participants are expected to free themselves from all work obligations while attending the program. For information on reduced airfare, call Harvard MED-CME at (617) 432-1525, Monday- Friday, 10 a.m. to 4 p.m. (Eastern Time).



**MEDIATION TRAINING FOR HEALTH CARE DISPUTES (Class # 202080)**

**Tuition Fee for Physicians and Hospital Administrators: \$1,850 (U.S.)**

*I wish to attend:*

**January 26-28, 2000** (Session A1.)

**April 12-14, 2000** (Session A2.)

Full Name \_\_\_\_\_  
Last First Middle Initial

Badge Name \_\_\_\_\_ Degree \_\_\_\_\_  
(if different from above) Last First Middle Initial Print on name tag? Yes  No

Mailing Address \_\_\_\_\_  
Street City State Zip Code

Daytime Phone (\_\_\_\_\_) Fax Number (\_\_\_\_\_) \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Professional School Attended \_\_\_\_\_ Year of Graduation \_\_\_\_\_

Profession \_\_\_\_\_

Principal Specialty \_\_\_\_\_ Board Certified: Yes  No

Institutional Affiliation \_\_\_\_\_

Full payment must accompany application (check payable to *Harvard Medical School*). Credit cards are **not** accepted.  
**Mail to: Harvard MED-CME, P.O. Box 825, Boston, MA 02117-0825**