



RECOMMENDATIONS TO SUNSET COMMISSION FOR LEGISLATIVE ACTION:

1. **Video and audio record and archive every TMB meeting:**
Currently the TMB meetings are not video recorded making it very difficult for those who are not attending the meeting to follow the actions of the TMB.
2. **Replace the ISC with an Independent 3 Physician Panel similar to the Indiana Model.** Establish an independent three physician review panels to replace Informal Settlement Conferences patterned after Indiana's time-tested model.

INCAP (Indiana medical review panel legislation), created as a balance of competing public policy agendas...has met the test of public need (since 1976). Indiana State Medical Association White Paper (2003)

- a. Fair, inexpensive, successful in Indiana since 1975
- b. Efficiently weeds out frivolous cases, encourages settlements in legitimate cases

RULES: the panel is composed of three health care professionals and one attorney who serves as chairman with no vote. Each side chooses one expert health care provider; these two providers choose a third. The panel's findings are:

- a. admissible in disciplinary cases or court;
- b. not legally binding; and
- c. as a practical matter, rarely overturned by a judge.

<http://www.ismanet.org/pdf/legal/RolesMedicalReview.pdf>

- a. For more information see:

<http://www.ismanet.org/pdf/legal/RolesMedicalReview.pdf>

3. **Establish an Ombudsman to insure accountability when the TMB is alleged to be violating their own rules or law.** Oversight should be afforded to TMB complainants similar to the right available to those who lodge complaints against Child Protective Services or the Department of Public Safety or other state agencies. Currently there is no outlet to make confidential complaints against the TMB or to have review of individual cases. Neither the Sunset Commission nor the Legislature has a method where the TMB or staff can be held accountable. Complaints include the removal of exculpatory evidence, inadequate peer review, hearing dates that exceeded statutory requirements.