

CHARTERED 
INSTITUTE OF PROFESSIONAL CERTIFICATIONS

FLORIDA MEDICAL MALPRACTICE LAWS, LIABILITIES AND RISK MANAGEMENT

**Fully Accredited
By:**

Chartered Institute of
Professional Certifications

CPD
Certification Service



PROGRAM OVERVIEW

According to data from the Florida Office of Insurance Regulation, medical malpractice payouts in Florida have consistently ranked among the highest in the United States, with **average indemnity payments exceeding \$400,000 and total annual payouts surpassing \$200 million**. In recent years, Florida has seen a steady rise in malpractice litigation, particularly involving **diagnostic errors, surgical complications, and delayed treatment**. As the legal and regulatory environment continues to evolve, it is crucial for medical leaders to understand the **nuances of malpractice law, proactively manage risks, and strengthen patient safety systems** to mitigate exposure.

This certified program will provide you with an in-depth understanding of the legal, procedural, and ethical dimensions governing medical malpractice in Florida. You will gain a comprehensive understanding of the state's malpractice framework—covering **negligence elements, burden of proof, informed consent, vicarious liability, damage assessment, and statutory defenses**. The program will also examine recent legislative developments and case precedents shaping Florida's medico-legal landscape, helping participants remain compliant and prepared in an increasingly litigious environment.

ACCREDITATIONS



4.8



4.6



PROGRAM OVERVIEW

Throughout the program, you will learn to identify and assess **liability risks, implement preventive risk management strategies, and develop institutional policies** that strengthen patient safety and legal defensibility. Key topics include **incident documentation and reporting, communication and disclosure** following adverse events, claims management processes, and collaboration between legal counsel, insurers, and clinical teams.

You will further explore strategies to build a culture of **accountability and transparency, minimize medical errors, and apply ethical principles** in clinical decision-making. By integrating real-world case studies and Florida-specific regulations, this program will ensure a practical and contextually grounded learning experience tailored to healthcare leaders, physicians, and administrators.

Upon completion, you will earn the **Certification in Florida Medical Malpractice Laws and Risk Management**, a globally recognized credential demonstrating your expertise in legal compliance, patient safety, and ethical medical governance. This certification will affirm your ability to lead effective malpractice prevention and defense strategies within Florida's evolving healthcare landscape.

ACCREDITATIONS



4.8



4.6



KEY SKILLS YOU WILL GAIN

From This Program



**FLORIDA MEDICAL MALPRACTICE LAW
STANDARD OF CARE
EXPERT WITNESS TESTIMONY
INFORMED CONSENT**

**INFORMED REFUSALS
AMA PROCEDURES
FLORIDA STATUTES CHAPTER 766
BAKER ACT COMPLIANCE**

**MARCHMAN ACT COMPLIANCE
APOLOGY LAWS
ERROR DISCLOSURE
PEER REVIEW PRIVILEGE**

**PATIENT SAFETY ORGANIZATIONS
HIPAA COMPLIANCE
HITECH ACT COMPLIANCE
21ST CENTURY CURES ACT
MEDICAL DOCUMENTATION INTEGRITY**

**ELECTRONIC RECORDKEEPING
CMS SCRIBE STANDARDS**

A professional portrait of Michael R. Lowe, Esq. He is a middle-aged man with short dark hair, smiling at the camera. He is wearing a dark navy blue suit jacket over a white dress shirt and a gold-colored patterned tie. His hands are clasped in front of him. The background is a blurred office interior with large windows.

YOUR FACULTY DIRECTOR

Michael R. Lowe, Esq

AV Preeminent-Rated Healthcare Law Attorney

Michael R. Lowe, Esq. is a board-certified health care attorney by the Florida Bar with over 30 years of experience specializing in medical malpractice defense, health law, and regulatory compliance. Licensed in both Florida and Georgia, Mr. Lowe has **represented thousands of healthcare professionals and institutions across a broad spectrum of medical-legal matters**, including malpractice litigation, HIPAA compliance, fraud and abuse prevention, Medicare/Medicaid audits, and hospital medical staff governance.

An AV Preeminent-rated attorney by Martindale-Hubbell and a Super Lawyers honoree, Mr. Lowe has **defended more than 70 medical malpractice cases, serving as lead counsel in multiple trials with an outstanding record of defense verdicts**. He has also handled over 100 HIPAA investigations and represented six hospital medical staffs in peer review, credentialing, and fair hearing matters.

A respected educator and author, Mr. Lowe has **served as an Adjunct Professor and Dean's Advisory Council Member at the University of Central Florida's College of Health & Public Affairs**. He has published extensively on healthcare law and risk management, and is a sought-after speaker on medical malpractice prevention, legal compliance, and healthcare governance.

OUR PARTICIPANTS

Over 70% of FORTUNE 500 Companies Have Attended Our Accredited Programs Before





PROGRAM AGENDA

FOUNDATIONS OF MEDICAL MALPRACTICE LAW

MODULE 1 - ESTABLISHING THE STANDARD OF CARE

- Defining and proving standards of care
- The role of medical experts
- Differences by specialty
- Case examples in Florida

MODULE 2 - INFORMED CONSENT

- Understand the required element-doctrine of informed consent
- Recognize pitfalls of consent forms and the informed discussion
- Understand patient autonomy and the reasonable patient standard

MODULE 3 - INFORMED REFUSALS/AGAINST MEDICAL ADVICE

- Understand required elements of informed refusals
- Recognize the pitfalls and myths of AMA forms
- Be able to implement a practical approach to complete and partial AMAs/refusals

MODULE 4 - BAKER ACT & MARCHMAN ACT

- Define each act briefly
- Understand frequent misconceptions
- Recognize the practical applications of the Acts, while avoiding operational pitfalls while complying with their requirements.

LEGISLATION AND REGULATORY FRAMEWORKS

MODULE 5 - APOLOGY LAWS AND ERROR DISCLOSURE

- Define the underpinnings of apology laws
- Discuss the differences between admission of fault and expressions of sympathy
- Discuss safe error disclosure and ethical implications
- Mitigating risk via strategic error disclosures

MODULE 6 - 21ST CENTURY CARES ACT

- Discuss patient access to their medical records
- Define regulatory requirements/penalties
- Discuss the exclusions to providing medical record access



PROGRAM AGENDA

MODULE 7 - PEER REVIEW AND PRIVILEGED COMMUNICATION

- AHRQ-approved patient safety organizations
- Hospital peer review-limitations of protection
- HIPAA & HTECH Acts

RISK MANAGEMENT IN CLINICAL PRACTICE

MODULE 8 - SHARED DECISION MAKING

- Discuss the concept of shared decision making
- Contrast this concept with informed consent
- Provide real-world examples of how shared decision making was used well and not so well

MODULE 9 - TRANSITIONS OF CARE

- Define the complexities of transitions of care
- Discuss the legal implications of transitions from one care area and one clinician to another
- Define operational and documentation strategies to avoid risk and enhance patient safety

MODULE 10 - HIGH RISK CLINICAL TOPICS OF INTEREST SEPSIS

- Locked-in syndrome
- Thoracic aortic dissection

MODULE 11 - ADVANCED PRACTICE PROVIDER SUPERVISION

- Appropriate skill set substitution
- Documentation-attestations
- Define regulatory collaborative and supervisory agreements contrasted with facility and clinician group supervisory requirements

MODULE 12 - ARTIFICIAL INTELLIGENCE IN HEALTHCARE-LEGAL IMPLICATIONS

- Recognize the current and future applications
- Understand the legal risks associated with this new technology
- Appreciate the evolution of technology assisted care

DOCUMENTATION AND CLAIMS MANAGEMENT

MODULE 13 - DOCUMENTATION ISSUES

- Copy and Paste-OIG ruling
- Scribe use-CMS guidance



PROGRAM AGENDA

- Safely documenting errors
- Venting in the medical record

MODULE 14 - SPOILIATION IN HEALTHCARE

- Discuss the elements of spoliation
- Provide real world examples
- Illustrate how the implication of spoliation and delayed documentation damages defendant credibility

MODULE 15 - COGNITIVE BIAS- UNDERSTANDING HOW GOOD CLINICIANS MAKE ERRORS

- Errors define cognitive bias and its implications on patient safety and medical malpractice claims
- Define many common cognitive dispositions to respond
- Discuss cognitive debiasing strategies to avoid risk

MODULE 16 - MEDICAL MALPRACTICE LITIGATION PROCESS

- Understanding the legal proceedings
- Key stages of a malpractice lawsuit in Florida
- Roles of plaintiffs, defendants, and legal counsel
- Mediation and settlement strategies

MODULE 17 - DEFENSE STRATEGIES FOR MEDICAL PRACTITIONERS

- Building a strong defense
- Identifying expert witnesses and their role in trials
- Preparing for depositions and cross-examinations
- Effective courtroom presentation techniques

MODULE 18 - LITIGATION STRESS SYNDROME

- Define litigation stress syndrome and second victim syndrome
- Discuss the impact of litigation on the mental health of clinicians
- Define litigation support to avoid clinician suicide

YOUR CHARTER DESIGNATION



Chartered Institute of Professional Certifications' programs are unique as they provide you with professional charter designations and marks that can be used across your lifetime once you have completed our programs.

Upon successful completion of this program, you will be awarded the **Certification in Florida Medical Malpractice Laws and Risk Management**, a prestigious credential that strengthens your professional portfolio and career profile. This globally recognized certification holds lifelong validity and attests to your expertise in Florida's complex medical malpractice and risk management framework.

Developed by the **Chartered Institute of Professional Certifications**, the program is certified by the **CPD Certification Service** and adheres to the highest standards of continuing professional education. It validates your expertise in navigating Florida's medical malpractice statutes, risk mitigation strategies, and litigation defense processes, as well as your ability to implement robust compliance and patient safety practices. This certification will distinguish you as a leader capable of managing legal exposure, upholding clinical integrity, and advancing patient safety across Florida's healthcare system.

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We Thank You for Your Ongoing Support
of Our Programs

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