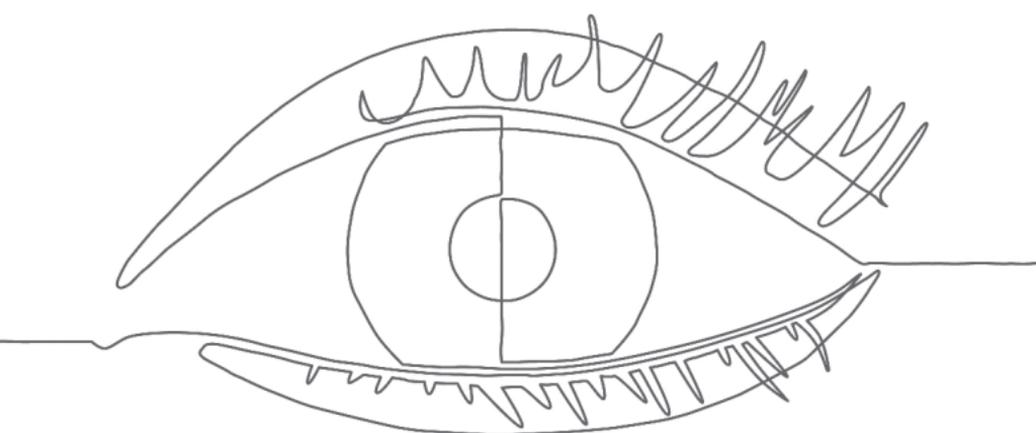


# Beazley Insight

## A 20/20 View of Optometry Risks

by Dan Springman



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**Optometrists are America's first line of defense against eye diseases and other vision-threatening conditions. Driven by an aging population and the increased availability of insurance coverage, visits to optometrists are expected to increase in the years ahead<sup>1</sup>. The attractiveness of the profession is likely to rise as well, with students drawn to a \$12 billion industry trending for growth. With the profession's increased activity comes an increased need for professional liability insurance and a clear understanding of exposures that should not be overlooked.**

## **The risks in focus**

A wide range of professional liability claims are seen in this sector. Among the most frequent and costly arise from diagnostic errors<sup>2</sup>. If an optometrist fails to diagnose conditions such as macular degeneration or early stage glaucoma, the patient may suffer vision loss - and sue. Recognizing the early warnings of vision loss is fundamental to optometry's "standard of care," although it can be difficult, with a range of medical conditions impacting eyesight and eye health.

Hand in hand with missed diagnoses comes what are typically the most severe claims for this class: those alleging a failure or delay in referring patients to an ophthalmologist or other specialist for essential care.

Like all medical professionals, optometrists can trip up during routine treatments, resulting in liability claims. Given the nature of an optometrist's daily work, even a "small" error can have catastrophic consequences, puncturing a cornea for example.

Poor customer service tends to correlate with claims (and is often an indicator of poorer outcomes in claims). Consider an office that is inadequately staffed or has improperly trained support staff. A patient calls during office hours to ask about post-procedure restrictions, but no one answers the phone. The patient then walks outside into sunlight, eyes unprotected, and suffers serious eye damage.

Optometry practices typically take credit cards and collect personal information, including personal health histories, making privacy and security liability an issue. There are also newly emerging risks that should be anticipated as advancing technologies transform routine tests, and new interventions are used, such as medical marijuana for glaucoma treatment.

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1 Hoovers Industry SWOT Analysis O614

2 <http://www.opthalmologymanagement.com/articleviewer.aspx?articleID=106880>

## What's the difference?

### Optometrists

An optometrist is a Doctor of Optometry who performs eye examinations and can determine the presence of vision-related problems. Optometrists also prescribe eyeglasses and contact lenses. Depending on the state in which they are licensed, they also may be allowed to treat eye diseases and prescribe eye drops for various conditions. They are not, however, trained or licensed to perform surgery in an operating room and are not medical doctors.

### Ophthalmologists

An ophthalmologist is a Medical Doctor or Doctor of Osteopathy (M.D. or D.O.) who specializes in eye and vision care and is trained to provide a broad spectrum of eye care, from eyeglass prescriptions to delicate eye surgery. The designation comes with four years of medical school, a year's internship in general medicine, and a minimum of three years in a university and hospital-based residency specializing in ophthalmology.

Source: MedicineNet.com

## Making matters better (or worse)

Many factors can impact an optometrist's vulnerability to claims and the ultimate claims outcome. The setting of the practice is one such factor. While the solo practitioner in a standalone office is commonplace, optometrists also operate in retail stores, doctor's offices, outpatient clinics and hospitals. An optometrist working in an eyeglass store may see plenty of foot traffic, making him or her more susceptible to slip-and-fall type claims. Those in medical clinics may be tempted to handle procedures outside their traditional domain, opening the door to serious exposure.

As previously noted, customer service can have an impact on exposures as well. When an optometrist really likes and cares about patients, day-to-day office practices reflect this. Patients tend to feel positive toward the provider and are less likely to sue if something goes wrong.

As with all medical professionals, thorough documentation and medical recordkeeping is essential to mitigate exposures and is an optometrist's first and best line of defense should a claim be filed. Documentation should include everything from prescriptions provided to referrals given. Securing a patient's informed consent before any care is given (and informed refusal of a particular test or treatment) also is critical and should be part of the documented record.

## Looking to write your risk

Beazley welcomes optometry risks of all types and sizes and designs coverage to be both effective and cost efficient for this class. Although claims in this class are not exceptionally frequent or severe, a single serious claim can be enough to put many optometry practices out of business altogether. Hence, landing on appropriate (potentially practice-saving) limits is critical.

Beazley's coverage combines broad professional liability insurance with both product liability and general liability insurance.

Our privacy liability insurance supports optometrists in prudently responding if private data in their care is compromised.

(To maximize efficiency while ensuring appropriate coverage, we underwrite privacy liability protection based on the number of customer records held, rather than a specific dollar amount.)

Our claims staff is familiar with claims common in the optometry world. When a claim occurs, our policyholders and brokers can be confident in our ability to protect their interests – and comfortable with our collaborative approach to setting and executing a claims strategy.

We keep our eye on emerging risks, so our coverage keeps pace with the risks of optometry... a centuries-old profession for which the future looks particularly bright.

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# beazley

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