

# Rounds

NEWS FROM MEDICAL MUTUAL



Issue #3

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## Company CEO Frank Lavoie announces plan to retire in December 2023



Medical Mutual President and CEO Frank Lavoie, MD, MBA has announced his plan to retire on December 1, 2023. Company Board Chair O. Robert Stevenson, MD shared the news with a letter to stakeholders dated January 27, 2023.

Lavoie, the Company's fifth President and CEO, leaves a legacy of consequential accomplishments including significant business growth and enhanced protocols for corporate governance and the Company's ascension to an A, or Excellent, rating by independent rating agency A.M. Best.

The Board has convened a search committee and will begin the process of recruiting the next Medical Mutual President and CEO on February 1, 2023. For the full text of the announcement, see [medicalmutual.com/news](https://medicalmutual.com/news) or scan the QR code at right.



# Attendees Welcome the Company's First In-Person Risk Management Seminar Since the Pandemic

Dozens of practice, quality and risk managers gathered at the Harraseeket Inn in Freeport on November 15 for Medical Mutual's 2022 Risk Management Seminar titled, Virtual risks, real life threats. It was the first such seminar since 2020.

The seminar featured nationally acclaimed experts Nan Gallagher, JD, Esquire and Monica Cooke, BSN, MA, RN, PMH-BC, CPHQ, CPHRM, DFASHRM imparting strategies for mitigating risks associated with telemedicine and workplace violence respectively.

Attendees lauded the program, giving it excellent marks for the utility of the strategies presented and the quality of the presentations.

"As always, we strive to explore topical issues presented by authoritative voices on the subjects and this year's program really resonated with the audience," said Michelle Boucher, Medical Mutual Vice President, Risk Management.



*L to R: Frank Lavoie, MD, MBA, Medical Mutual President & CEO, with featured seminar speaker Nan Gallagher, JD, Esq. and Michelle Boucher, VP-Risk Management, Medical Mutual.*

## MEDICAL MUTUAL PLEDGES \$150,000 TO UNE OSTEOPATHIC SKILLS AND SIMULATION PROGRAM.

In keeping with Company's commitment to the advancement of healthcare quality in the communities it serves, Medical Mutual has pledged to contribute \$150,000 to the University of New England's College of Osteopathic Medicine (COM) Clinical Skills and Simulation Program Fund. The gift will be paid over a five-year period in equal installments of \$30,000.

In formalizing the contribution, Company President and CEO Frank Lavoie, MD, MBA said the donation is intended to be used for faculty and staff education, as well as improvements in technology related to medical education.



## RISK ALERT TO POLICYHOLDERS:

# Class Actions against Organizations for Using Meta Pixel for Violating Privacy Laws

We're seeing hundreds of healthcare providers and other businesses targeted by class action lawsuits across the country, alleging the unauthorized disclosure of personally identifiable information (PII) and personal health information (PHI), and seeking civil damages for each disclosure. PII and PHI was gathered through the use of a tracker called Meta Pixel. Potential exposure from this litigation may be significant, and we wanted to be sure you are aware. Recently, a class action against a healthcare organization in the Northeastern United States alleging unauthorized disclosure of PHI, in part because of the Meta Pixel, resulted in a settlement of \$18.4 million.

In addition to the exposure organizations may face from class action lawsuits, breach notifications and regulatory enforcement may also cause significant expense. The allegations of unauthorized disclosure of PHI and/or PII may thus be a violation of HIPAA as well as relevant state privacy laws prohibiting the unauthorized disclosure of PII/PHI to third parties. In just the past month, two large health systems have sent data breach notifications to approximately 3.5 million patients because of Meta Pixel.

### What is Meta Pixel?

As a business owner, you need to know if your ads are reaching your customers. To do this, several companies (including Facebook's parent company, Meta) offer tools like Meta Pixel to track website user interactions, using JavaScript code. Trackers run a script when a user visits a website in a browser, which can collect information in HTTP headers, button click data, form field names, and other user-specified data. Meta Pixel is added to a business website either manually by a developer or through a partner integration.

Businesses sometimes are not aware of the data that these tracker tools are collecting. If trackers are not configured correctly, they may collect sensitive user data. Approximately one third of U.S. Hospitals used Meta Pixel to track user activity on their websites, such as patient portals and appointment scheduling pages. Federal law, state law, and HIPAA require patient consent and a business agreement to share PHI between companies.



## Recommendations

Share this bulletin with your Information Technology staff and/or third party IT service provider and seek their assistance.

We strongly encourage you to identify any specific forms or pages on your company websites containing Meta Pixel and removing it using the following information

1. Use a tool to assess whether your website uses Meta Pixel: <https://themarkup.org/blacklight>.

(Please note, we are unaffiliated with this third-party tool and cannot guarantee their product and service, such as detecting a pixel behind a log-in page. Since their product and service are not under our control, and we are not responsible for the content or any link on such sites or for the temporary or permanent unavailability of such third party sites or service.)

2. Remove Meta Pixel by following the instructions on the following links:

- If, hardcoded on your website: <https://www.facebook.com/business/help/4224030857607474>
- If plugin, direct website or partner integration, Google Tag Manager implementation: <https://back2marketingschool.com/delete-facebook-pixel/>

### Sources & Additional Info

- <https://www.digitaltrends.com/social-media/what-is-a-facebook-pixel/>
- <https://www.spectroomz.com/how-to-delete-facebook-pixel>
- <https://www.hipaajournal.com/meta-facing-further-class-action-lawsuit-over-use-of-meta-pixel-code-on-hospital-websites/>



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# Medical Mutual Declares \$5 Million Dividend

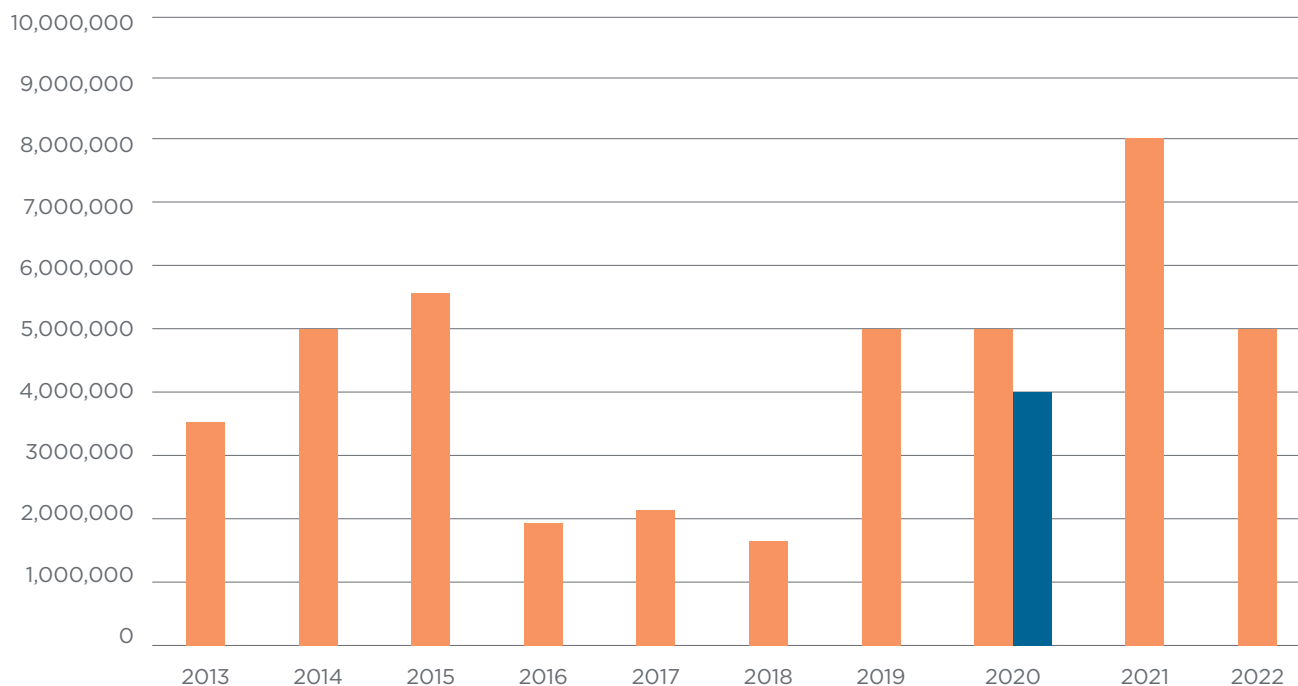
The Medical Mutual Board voted at its December 2022 meeting to declare a dividend of \$5 million, a number that represents 13.2% of eligible premiums for the year. The 2022 dividend, the 16<sup>th</sup> in the past 16 years including a special mid-year dividend declared during the COVID pandemic in 2020, was announced by Company President and CEO Frank Lavoie, MD, MBA.

In announcing the dividend, Lavoie said that the Company had experienced a slight uptick in filed claims for the year, yet overall, the number of new claims filed for the year remained at a very moderated level from a historical perspective. He noted, however, that the national trend of rising severity was real and that Medical Mutual had paid a number of claims in 2022 that were all much higher than typical claims historically experienced in Northern New England.

Despite the year's string of high-value cases, Lavoie said that all the things considered, 2022 was a very good year for Medical Mutual as indicated by the dividend declaration. For more on the dividend declaration, visit [medicalmutual.com/news](https://medicalmutual.com/news), or scan the QR code.



## POLICYHOLDER DIVIDENDS - TEN YEAR HISTORY



*Medical Mutual declared a dividend of \$5 million in 2022, the Company's 16<sup>th</sup> dividend in 16 years. In 2020, the Company actually declared two separate dividends: a \$5 million declaration in the spring and a special COVID-related dividend of \$4 million in the fall.*



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## As an insurer, we're more than your partner. We're a reflection of you.

Unlike other malpractice insurance carriers, Medical Mutual's Board combines hospital executives, Chief Medical Officers, physicians and surgeons from a broad spectrum of roles in the medical system. Our risk managers include RNs who work closely with you to improve care delivery systems. And our Claims Committee is 100 percent comprised of experienced physicians who know the medicine and the care environment.

In other words, we intrinsically understand you and the challenges you face. And that's a difference that is clearly reflected in our daily commitment to helping you reduce medical errors and improve quality.