



DEPARTMENT OF THE NAVY

BUREAU OF MEDICINE AND SURGERY  
2300 E STREET NW  
WASHINGTON DC 20372-5300

IN REPLY REFER TO

BUMEDINST 5830.1  
BUMED-32RM  
29 Sep 97

BUMED INSTRUCTION 5830.1

From: Chief, Bureau of Medicine and Surgery

Subj: SUPPLEMENTAL HEALTH CARE INVESTIGATION PROCEDURES

Ref: (a) Manual of the Judge Advocate General, Chapter 2  
(b) <http://support1.med.navy.mil/bumed>  
(c) 10 U.S.C. § 1102

Encl: (1) Sample appointing letter to a specialty leader

1. Purpose. Timely, thorough, and unbiased specialty reviews are essential for objective analysis of potential medical malpractice claims against the Navy, as well as for improvement of the quality of Navy Medicine. This instruction provides authority for commanding officers convening health care investigations under reference (a) to obtain necessary specialty reviews. Adherence to this procedure will streamline the specialty review process and provide subject specific expertise to investigating officers and commanding officers in preparation and endorsement of health care investigations.

2. Assignment of Specialty Reviews

a. When a commanding officer convenes a health care investigation, those clinical specialties potentially involved shall be identified and the respective specialty leaders notified and provided with a brief synopsis of the case, including identification of the involved providers. Names and addresses of current specialty leaders can be found at reference (b) in the "BUMED Organization" section, subsections "MED-00MC," "MED-00NC," "MED-00DC," and "MED-00MSC."

b. After reviewing the synopsis, the specialty leaders shall assign a specialty reviewer, unless: (1) the incident is obvious malpractice, the identification of which would not require specialized expertise (e.g. surgical removal of the wrong limb), or (2) the investigating officer is known by the specialty leader to possess the requisite demonstrated skills to evaluate the event and is sufficiently removed from the matter so as to render an unbiased opinion. If the specialty leader determines that appointment of a specialty reviewer is unnecessary, he or she will provide the commanding officer written notification of this decision. That correspondence shall become an enclosure in the investigation.

c. The specialty leader shall notify the specialty reviewer of the assignment in writing via the reviewer's commanding

officer. A copy shall be provided to the commanding officer convening the investigation. The appointing letter format is included as enclosure (1).

### 3. Specialty Reviewer Functions

a. The specialty reviewer will act as a consultant and shall advise the investigating officer of relevant information required to conduct a thorough investigation and specialty review. The specialty reviewer is not responsible for compiling information or writing the investigation.

b. When the investigating officer has completed the "Findings of Fact" portion of the investigation, a copy, along with enclosures, shall be sent to the assigned specialty reviewer for review. The specialty reviewer shall render a standard of care analysis and determination in the format provided in enclosure (1).

c. Specialty reviewers must be sensitive to investigative time requirements and shall expedite reviews to ensure the investigation is completed in a timely manner. If the information provided by the investigating officer is insufficient to render an opinion, the specialty reviewer shall advise the investigating officer as soon as possible. Otherwise, specialty reviews shall be returned to the investigating officer not later than 30 days after receipt of the investigation. Delays in specialty review completion should be reported to the cognizant specialty leader.

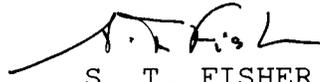
### 4. Investigating Officer and Commanding Officer

Responsibilities. The investigating officer shall summarize all specialty review determinations in the "Opinions" section of the investigation and include any reviews as enclosures to the investigation. If desired, the investigating officer and commanding officer may comment on the conclusions and suggestions made in the specialty reviews, but may not approve or disapprove the specialty review. However, the commanding officer may spell out disagreements with the specialty leader supported by the evidence.

5. Relationship to Quality Assurance. Specialty reviews created under reference (a) are created in anticipation of litigation and are not Quality Assurance documents under reference (c). They

29 Sep 97

may, however, contain certain quality assurance information. Consultation with a Judge Advocate is recommended before including quality assurance matters in a specialty review.



S. T. FISHER  
Deputy

## Distribution:

SNDL, C28G	(BRDENCLINIC)
C28H	(BRMEDCLINIC)
C31J	(BRMEDCLINIC)
C31K	(NAVMEDADMINU)
C34F	(BRMEDCLINIC and NAVMEDCLINIC LONDON DET)
C34G	(BRDENCLINIC)
C52	(BUMED SHORE BASED DETACHMENTS)
C58Q	(BRDENCLINIC)
C58R	(BRMEDCLINIC)
C85A	(BRMEDCLINIC)
FA47	(NAVHOSP)
FA48	(NAVDENCEN)
FA49	(NAVMEDCLINIC)
FB58	(NAVHOSP)
FB59	(NAVDENCEN)
FB60	(NAVMEDCLINIC)
FC16	(NAVMEDCLINIC)
FC17	(NAVHOSP)
FC18	(NAVDENCEN)
FF72	(NAVMEDCLINIC)
FH	(BUMED COMMAND ACTIVITIES)
FT108	(NAVHOSP)
FT109	(NAVDENCEN)
FT110	(NAVMEDCLINIC)
FW1	(NATNAVMEDCEN)
FW2	(NATNAVDENCEN)
FW3	(NAVHOSP)
FW4	(NAVMEDCLINIC)

## Copy to:

SNDL, A6	(CMC)
21A	(CINC's)
23A2	(COMNAVFORJAPAN, COMNAVMARIANAS only)
23A3	(COMUSNAVCENT)
23B4	(COMIDEASTFOR)
28C2	(COMNAVSURFGRU LONG BEACH only)

BUMEDINST 5830.1

29 Sep 97

28K1 (COMSUBGRU TWO only)  
42A1 (COMFARICARIB, COMFAIRKEFLAVIK)  
42A3 (COMFAIRMED)  
42B1 (COMHELWINGSLANT only)  
42B2 (COMMATVAQWINGPAC, COMLATWINGPAC only)  
C31K (NAVMEDADMINU)  
C52 (BUMED SHORE BASED DETACHMENTS)  
FA6 (NAS KEY WEST only)  
FA24 (COMNAVBASE CHARLESTON, GUANTANAMO BAY, NORFOLK,  
and PHILADELPHIA only)  
FB28 (COMNAVBASE PEARL HARBOR, SAN DIEGO, SAN  
FRANCISCO, only)  
FB28 (COMNAVBASE PEARL HARBOR, SAN DIEGO, SAN  
FRANCISCO, and PHILADELPHIA only)  
FB50 (COMUSFAC)  
FC3 (COMNAVACT UK only)  
FF1 (COMNAVDIST)  
FF38 (USNA)  
FKR3C (NAVAIRTESTCEN)  
FT1 (CNET)  
FT2 (CNATRA)  
FT5 (CNTECHTRA)  
FT28 (NETC)  
FT31 (NTC GREAT LAKES, ORLANDO only)  
V3 (COMCABEAST only)  
V8 (CG MCRD PARRIS ISLAND only)  
V12 (MCCDC QUANTICO)  
V16 (CG MCB CAMP BUTLER, CAMP LEJEUNE, and CAMP  
PENDLETON only)  
V25 (CC MCAGCC)

BUMEDINST 5830.1  
29 Sep 97

SAMPLE APPOINTING LETTER TO A SPECIALTY LEADER  
5830  
Ser/

**"FOR OFFICIAL USE ONLY: LITIGATION/ATTORNEY WORK PRODUCT"**

From: [name of Specialty Leader]  
To: [name of Specialty Reviewer]

Subj: SPECIALTY REVIEW ICO [insert subject line from the investigation]

Ref: (a) BUMEDINST 5830.1

Encl: (1) Specialty review format

1. You are appointed to provide technical assistance and conduct a specialty review of the care rendered in the matter under investigation. \_\_\_\_\_, the investigating officer, will provide you with a copy of the factual portion of the investigation and other documents needed to prepare your review. As indicated in reference (a), the purpose of your participation is to assess the care provided and assist Government attorneys in defense of an existing or anticipated medical malpractice claim.

2. Your review shall be conducted in the format provided in enclosure (1) and shall discuss the standard of care at the time of the incident. You must objectively evaluate and state whether or not that standard was met based upon accepted medical practice and literature. Your review should not include opinions concerning whether a claim should be denied or settled.

3. Your review should be completed within 30 days of receipt of the investigation from the investigating officer.

S. P. LEADER  
CAPT, MC, USN  
Specialty Leader for [specialty]

Enclosure (1)

BUMEDINST 5830.1  
29 Sep 97

5830  
Ser/

**"FOR OFFICIAL USE ONLY: LITIGATION/ATTORNEY WORK PRODUCT"**

From: [Specialty Reviewer]  
To: [Investigating Officer]  
Via: [Specialty Leader]

Subj: SPECIALTY REVIEW ICO [insert subject line from the investigation]

Ref: (a) [Specialty review appointment letter]  
(b) BUMEDINST 5830.1

Encl: (1) Curriculum Vitae  
(2) [cited articles]  
(3) [investigative report]

1. Per references (a) and (b), this specialty review has been prepared to assess the care provided in the matter under investigation and assist Government attorneys in defense of an existing or anticipated medical malpractice claim.

2. Relevant Facts. [Set out the facts as they pertain to the matters under review, identifying providers involved, including their practice area and employer.]

3. Standard of Care. [Describe, citing appropriate literature, the standard of care at the time of the incident.]

4. Standard of Care Determination. [Discuss how the standard of care was met or breached. If the standard of care was breached, identify and discuss how specific providers or specific systems or equipment deviated from the standard of care.]

5. Injury/Causation. [Identify and discuss the nature, extent, and prognosis of any injury and its relationship to a breach of the standard of care.]

6. Remedial Measures. [If appropriate, make recommendations of actions necessary to prevent a reoccurrence of this event.]

7. Miscellaneous. [Identify and discuss any other relevant issues.]

[SIGNATURE]

Blind copy to:  
MED-01, 02, 03, 04, 05, 06, 07, 08, 09, OOHC, OOMC, OOMSC, OONC, OODC, OOP, OOQ, OOIG

Enclosure (1)