

WHEN THE NEWS HEATS UP:

“DOCTOR, OUR BEST RISK ADVICE IS STAY IN
YOUR LANE.”

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How did we get here?

WHAT IS OUR PURPOSE?

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OBJECTIVES

1. Discuss a hypothetical situation to **illustrate circumstances that may lead clinicians off their path.**
 2. Deliver a risk management **framework to guide clinicians to stay in their lane.**
 3. Provide **suggestions ways callers can redirect** their patient or family to appropriate support services.
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- A decorative graphic consisting of several parallel white lines of varying lengths, slanted diagonally from the bottom right towards the top right, set against the blue background.

HYPOTHETICAL

Pediatric practice learns from a national news feed that vaccine mandate recommendations have changed. Immediately the pediatrician has concerns about an increase in anti-vaxed patients, that will change my practice, how can we protect patients with compromised immunity, how do we cover the extra costs associated with cleaning rooms when non-vaccinated patients are seen followed by others with compromised immune systems. How can I prevent anti-vaxed patients joining my practice?

Practitioner's next steps?

1. Review other news reports.
2. Find the language of proposed legislative/guideline changes.
3. Look for alerts from local and national Boards or professional organizations.
4. Anticipate the impact the change will have on your practice.
5. Discuss the standard of care with colleagues.
6. Rally and protest quietly or publicly.

HYPOTHETICAL

Pediatric practice learns from a national news feed that vaccine mandate recommendations have changed.

Practitioner's next steps:
Stay in your lane

- Separate
 - the standard of care
 - matters of public health
- Advance the care
- Focus
 - Perform an Assessment
 - Create a Differential
 - Provide the Standard of Care

HYPOTHETICAL

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Reminder: What is Medical Professional Liability (MPL)?

Medical Malpractice or MPL insurance provides insurance coverage in the event of a medical liability claim. It is liability (civil not criminal) claim made on the basis of a legal concept called Torts, specifically the tort of medical negligence.

Negligence: an act or omission causing injury or harm the actions of another.

Act or omission deviated from the standard of care.causing harm

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Medical Malpractice is a civil law concept

Tort

When someone has experienced physical or financial a loss due to the negligence of another. The goal is to make the victim whole.

Medical Malpractice insurance seeks to assist with making the victim whole.

Medical malpractice is based on a legal theory of negligence:

For there to be negligence the plaintiff needs:

NEGLIGENCE = Duty + Breach + Injury + Causation

Healthcare the duty is to provide the standard of care

Negligence Relies on a Duty of Reasonable Care

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Clinicians' job is to focus on the standard of care

Assessment – Differential – Standard of Care

Advance the Care

Perform an Assessment

Create a Differential

Provide the Standard of Care

Matters of public health matter, but not in the exam room.

Other Circumstances

Perform an Assessment

Create a Differential

Provide the Standard of Care

1. Request from one family member to prevent another family member from visiting an elderly patient.
2. A parent making disparaging remarks about the spouse and parent of your patient with demands that s/he be excluded from decision making.

Other Circumstances

Perform an Assessment

Create a Differential

Provide the Standard of Care

3. A lawyer requesting commentary regarding a patient's competency.
 - **Important scripting language: The record speaks for itself.**
 - Capacity is a different question and limited to capacity to make healthcare decisions.
4. Request to provide expert opinions or interpretations.
5. Decisions relating to guardianship – unless court ordered.

How Can Risk Professionals Help?

**Remind our clinicians to stay in their lane:
Assessment – Differential – Standard of Care
Advance the care**

FRAMEWORK

Stay in their lane:

- Bifurcate matters of public health and the standard of care.
- 3 steps **Assessment – Differential – Standard of Care**
- Focus on **Advancing the care**