

# PRMS

## Topics for Grand Rounds and PREPs

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*PRMS offers unique benefits that extend well beyond its specialized expertise in psychiatry.*

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10 Things About...

## WHAT WOULD YOU DO?

- Describe the most frequent types of risk management concerns of psychiatrists
- Incorporate into clinical practice two risk management strategies to increase patient safety and reduce professional liability risk

## INTEGRATED PRACTICE

### PROFESSIONAL LIABILITY IMPLICATIONS OF THE AFFORDABLE CARE ACT

- Examine the impact of the increased number of individuals with health insurance on psychiatrists' liability exposure
- Discuss the potential impact of an ACO on the standard of care and malpractice litigation
- Recognize the significant professional liability exposure related to electronic patient information
- Choose appropriate risk management strategies to minimize patient harm and professional liability exposure

### LIABILITY FOR ACTS OF OTHERS

- Distinguish collaborative and split treatment arrangements and implement risk management strategies to reduce liability in each arrangement
- Identify and implement risk management strategies to minimize liability exposure for the acts of support staff, contractors and non-physician providers
- Identify at least three ways a psychiatrist might be held liable for the acts of others

## THE OPIOID CRISIS: WHAT PSYCHIATRISTS NEED TO KNOW

- Explain recent developments in the government's investigatory approach towards physicians and their role in the opioid epidemic
- Describe specific activities of psychiatrists that resulted in the government's investigation and disciplinary action / prosecution
- Incorporate into clinical practice at least two risk management strategies to increase patient safety and reduce professional liability risk when prescribing opioids

## DOCUMENTATION

- Discuss the importance of appropriate documentation in minimizing malpractice liability
- Identify key elements that should be included in every patient record
- Understanding the significance of documenting the reasoning behind clinical decision making
- Explain why treatment records might need to be retained beyond the minimum period set forth in state regulations

## TECHNOLOGY

### EHR/S-E-PRESCRIBING

- Recognize the risks to patient safety and potential increase in liability exposure posed by certain features within EHR
- Explain metadata and its impact upon the defensibility of medical malpractice cases
- Identify risks associated with the use of e-Prescribing
- Recognize liability traps hidden in EHR and e-prescribing system vendor agreements

### SOCIAL MEDIA

- Recognize areas of risk exposure created by the use of social media in the medical office
- How to use social media to benefit your practice while minimizing risks
- Recognize ways in which privacy may be breached through the use of social media

### TELEPSYCHIATRY

- Discuss, recognize and address potential legal and clinical hurdles in telemedicine practice
- Identify the factors that evidence the standard of care in telepsychiatry
- Identify the major professional liability risks associated with telepsychiatry
- Utilize methods for maximizing patient care and minimizing risk exposure during telemedicine

## LIABILITY FOR ACTS OF OTHERS

- Identify and manage risks associated with collaborative and supervisory relationships
- Distinguish collaborative and split treatment arrangements and implement risk management strategies to reduce liability in each arrangement
- Identify and implement risk management strategies to minimize liability exposure for the acts of support staff, contractors and non-physician providers
- Identify at least three ways a psychiatrist might be held liable for the acts of others

## PSYCHOPHARMACOLOGY

### RISK MANAGEMENT AND LEGAL IMPLICATIONS OF PRESCRIBING

- Integrate the informed consent process into patient interactions
- Know the common allegations associated with prescribing medication
- Incorporate discussion of off-label use with patient into the informed consent process
- Manage medication monitoring with a formal monitoring system

### PRESCRIBING CONTROLLED SUBSTANCES

- Implement 3 strategies to minimize the risks when prescribing controlled substances
- Implement strategies to minimize risks associated with DEA inspections/audits
- Describe the appropriate response to an investigator's request for patient information

### MEDICATION MANAGEMENT FOR MINORS

- Integrate the informed consent process into the patient/family interaction
- Document the decision-making process to minimize risk when prescribing off-label medications for minors
- Explain the importance of scientific support for off-label treatments

## NON-ADHERENT PATIENTS

- Determine a variety of causes of patient non-adherence with the treatment plan
- Utilize risk management strategies to decrease patient non-adherence
- Meeting the standard of care with non-adherent patients

## DANGEROUS PATIENTS

### PATIENTS WITH SUICIDAL BEHAVIORS

- Explain the importance of documentation of initial and ongoing suicide assessments
- Assess and document suicidal risk initially and at critical junctures in treatment
- Document the decision-making process when assessing and treating patients at risk for suicide
- Evaluate when to communicate with the family of a patient with suicidal behavior, even if the patient did not give consent for such communication
- Explain the standard of care factors that will be assessed in a medical malpractice lawsuit involving patient suicide

### WORKING WITH DANGEROUS PATIENTS

- Explain the importance of knowing the legal standard of "duty to warn" in the state(s) where he/she practices
- Recognize online activity and impact on patients
- Recognize when to withdraw from care while protecting patient safety and minimizing liability
- Implement 3 strategies to minimize the risks inherent in treating dangerous patients

## FORENSIC PRACTICE

- Describe the risks of assuming the dual roles of forensic evaluator and treatment provider
- Explain potential professional liability risk when providing expert testimony
- Formulate a plan to address the duties owed to evaluatees when conducting Independent Medical Evaluations (IMEs)

## CONFIDENTIALITY

### CONFIDENTIALITY IN PSYCHIATRIC PRACTICE

- Respond appropriately to maintain patient confidentiality when contacted by a family member or friend regarding a patient
- Understand the obligations to patient confidentiality when contacted by a law enforcement officer regarding an investigation
- Identify standard exceptions to confidentiality
- Utilize the appropriate response to requests for patient information
- Understand the confidentiality issues specific to treatment of minors

### ENFORCEMENT OF HIPAA'S PRIVACY RULE BY THE OCR, DOJ AND THE COURTS

- Identify the number and types of complaints about Privacy Rule violations that are being filed with OCR, as well as general information about resolution of these complaints by OCR
- Understand the holdings and implications of various cases involving the Privacy Rule that have been decided by state and federal courts
- Understand HIPAA enforcement actions to gain a greater appreciation for compliance with HIPAA

### PROTECTING AND DISCLOSING PATIENT INFORMATION

- Understand exceptions to confidentiality and privilege
- Comply with legal requirements to respond to record requests, subpoenas and court orders without breaching confidentiality
- Describe the appropriate response to an investigator's request for patient information
- Understand a patient's right to information and what is necessary to release records

## MEDICAL MARIJUANA: HIGH RISK?

- Understand the federal government's position on medical marijuana, and its impact in psychiatrists
- Discuss the professional liability risks associated with medical marijuana
- Identify risk management strategies to increase patient safety and decrease professional liability exposure

## GERIATRIC PSYCHIATRY

- Identify the liability risks associated with geropsychiatry
- Identify two risk management strategies to minimize risks associated with geropsychiatry

## COMMUNICATION

### COMMUNICATION

- Discuss ways to maintain rapport while preserving appropriate boundaries
- Recognize barriers to effective communication and ways to overcome these barriers
- Evaluate emerging communication risks created by the use of technology and social media
- Develop ways to communicate with other healthcare providers to minimize risk and maximize patient safety

### DOES SAYING YOU'RE SORRY MEAN YOU WON'T BE SUED?

- Differentiate between expressions of empathy and admissions of fault
- Importance of knowing individual state's laws
- How to disclose/discuss a bad or unanticipated outcome with patients or family members

## CONSENT TO TREATMENT

### CONSENT TO TREATMENT

- Describe the purpose and necessary steps in the informed consent process
- Recognize special issues involved in consent for treatment of minors and incompetent or incapacitated patients

### CONSENT TO TREATMENT OF MINORS

- Determine who may consent to treatment of a minor patient in varying situations
- Choose strategies to balance minor patients' need for confidentiality with parents' right to be informed
- Recognize the risks of prescribing for minors and how to implement into the informed consent process

## LEGAL/LITIGATION

### BASICS OF MEDICAL MALPRACTICE LAWSUITS

- Identify the highest exposure cases in terms of frequency and severity
- Name the 4 elements of a malpractice lawsuit
- Explain the role of the expert medical witness in malpractice litigation
- Explain the difference between the concepts of Standard of Care and Quality of Care

### MANAGING LITIGATION STRESS

- Integrate at least two risk management and patient safety actions that can prevent patient adverse outcomes
- Describe three actions a physician can take after an adverse patient outcome, or other event, to mitigate risk and improve legal defense
- Identify at least three stressors for physicians during a medical professional liability action
- Contrast the legal and medical perspective during a medical professional liability action

## PRACTICE ISSUES

### CONTINGENCY PLANNING

- Explain the importance of having contingency plans for an office-based practice
- Describe the elements of a contingency plan

### EVALUATING PROFESSIONAL LIABILITY INSURANCE POLICIES

- Identify the two types of malpractice liability policies
- Discuss and understand malpractice policy limits
- Describe consent to settle agreements in medical malpractice liability policies

## RISK ASSESSMENT

- List the critical components of risk assessment
- Illustrate documentation that supports good quality and safe patient care
- Discuss common pitfalls when performing a risk assessment

## BOUNDARY ISSUES

- Identify the types of boundary violations
- Understand the risk management strategies to avoid boundary violations
- Plan for withdrawing from care when boundaries have been crossed

## MINORS

### MINORS

- Determine who may consent to treatment of a minor patient in varying situations
- Recognize the risks of prescribing for minors
- Choose strategies to balance minor patients' need for confidentiality versus parents' right to be informed

### MINORS' CLAIM REVIEW

- Identify the elements of a malpractice lawsuit
- Identify the highest exposure cases in terms of frequency and severity
- Implement strategies for decreasing the use of defensive medicine while assuring that the standard of care is met

## THE PSYCHIATRIST – PATIENT RELATIONSHIP

- Recognize the ways a treatment relationship may be established by mutual agreement or inadvertence
- Understand the ways a treatment relationship may be terminated by the psychiatrist and/or the patient and develop procedures for each scenario
- Evaluate whether a patient can be terminated in a crisis situation and take appropriate steps to do so while maximizing patient safety and minimizing liability exposure
- Implement termination procedures to insulate themselves from allegations of abandonment

## 10 THINGS ABOUT...

You are doing everything necessary to stay up-to-date with the clinical aspects of psychiatric care but sometimes it's those things not directly related to treatment that can pose the greatest risks. In this program, we will review topics about which questions are frequently posed to our Risk Management Consultation Service and discuss the 10 main things you should know about each. We recommend that you select 4-5 topics for a one-hour program, 7-8 topics for a 90-minute program, and 9-11 topics for a two-hour program. Current topics available are as follows:

- Administrative Actions
  - Billing and Collections
  - Children and Adolescents
  - Communicating with a Patient's Family Members
  - Consults
  - Contracts
  - Documentation
  - EHRs – Documentation
  - Email
  - Establishing a Physician-Patient Relationship
  - Forensic Practice
  - Geropsychiatric Patients
  - Health Literacy
  - Informed Consent
  - Liability for Acts of Others
  - Maintenance of Medical Records
  - Medical Record Requests
  - Non-adherent Patients
  - Office Sharing
  - Online Reviews
  - Prescribing Controlled Substances
  - Prescription Monitoring Programs (PMPs)
  - Professional Liability Insurance
  - Reporting Obligations
  - Responding to Requests for Records
  - Social Media
  - Split Treatment
  - Starting a Private Practice
  - Suicide
  - Supervision of Nurse Practitioners
  - Telepsychiatry
  - Termination
  - TMS Therapy
  - Violent Patients
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