

EMedicine Alert

A risk management newsletter from MIEC

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ORIENTATION FOR ED PHYSICIANS AND NURSES REDUCES LIABILITY

When injuries can be traced to inadequate orientation of new or temporary nurses, physicians or aides, a resulting malpractice suit can be difficult to defend. Comprehensive, relevant orientation of new emergency department staff members prevents patient injuries and reduces the hospital's and the contracting emergency group's liability exposure.

A thorough orientation is essential to help physicians and other emergency department staff work efficiently as a team to provide care and coordinate hospital, medical staff and community resources. Physicians new to the ED benefit from an orientation to the contracting group and its policies and procedures, separate and distinct from the hospital. An up-front investment of the physician's time in such orientations is an investment in the safety and security of patients, the contracting group, and the hospital.

Orientation programs must allow enough time and provide sufficient information to ensure new staff members know how to comply with the hospital's policies and procedures, departmental guidelines, and applicable state and federal laws. A good orientation program starts with evidence of the process by which policies and procedures are distributed to new staff members, and staff members' acknowledgement of their receipt of the information, confirmation that they have read it and understand it, and certification of the fact that they agree to follow it. Litigation experience teaches that it is not sufficient for new staff members only to read policy and procedure manuals and put their name on a sign-in sheet; they should be asked to demonstrate an understanding of and the ability to apply what they read. Discussion and written or oral testing of key policies and procedures are better ways to measure a new employee's understanding. Teaming a new staff member with a veteran staff member is an effective way to assess skills and observe performance. The preceptorship should be long enough for the preceptor to observe the new staff member in various situations.

Documentation of the observation period and objective written evaluations protect the ED and the hospital from liability.

Topics for orientation

In addition to the day-to-day tasks that govern the emergency department, topics that should be covered in an orientation include:

- The availability and special policies of hospital support departments, such as radiology, clinical and pathology laboratories, respiratory therapy, mental health, transportation, social services, and others. New employees should know: (a) the hours of operation of these departments; (b) which special tests can or cannot be done, or limitations on when they can be done; (c) information required on laboratory, X-ray and EKG requests; (d) how long to wait for results before checking on their whereabouts; (e) how to ensure that physicians who order tests know the results are in; (f) how to reach physicians or technicians from these departments when they are not in the hospital.
- The ED's policies with respect to admitting patients, writing admission orders at the request of an attending physician, and accepting telephone medication orders.
- Procedures for locating specialists or on-call physicians, and how quickly these physicians must respond, as set forth in hospital or medical staff policies; how long staff should try to locate a doctor before seeking another; and who to notify if problems arise.
- Procedures for what to do in the event of a conflict between an ED physician and other physicians, and how to document inter-professional and inter-departmental interactions.
- A review of reporting requirements, to whom the reports must be made, and within what timeframe (child, adult and elder abuse; patients who suffer from recurrent lapses of consciousness; contagious diseases; animal bites;

and victims of rape or other acts of criminal violence).

- Resources for referral of patients to social services, both within the hospital and externally (battered partners/spouses, indigent patients, psychiatric referrals, etc.).
- How to locate qualified interpreters to assist limited-English-proficiency (LEP) patients; how to operate equipment or locate others to communicate with the hearing-impaired.
- Informed consent policies, and the procedures for which patients must give informed consent and sign a consent form.
- When required by hospital policies and procedures, how and who will manage Codes within the hospital, where Codes will be documented, and by whom.
- Obligations and legal prohibitions on responses to a peace officer's request to perform blood alcohol or other tests on patients, or examining patients who are under arrest, and for releasing medical information or records to peace officers.
- The department's inter-hospital transfer policy. All personnel should be familiar with federal and state transfer laws, the steps required to affect a transfer, forms that must be completed, and responsibilities of on-call physicians to respond to the ED's request for their assistance.
- Information about complying with patients' advanced directives, including appointment of a health care agent, as provided under the federal Patient Self Determination Act.
- The hospital's media policy, and who responds to the media in the event of celebrity care, disaster response, sensationalistic event, or other media interests.

- How to handle in-department crises, such as fires, natural disasters, equipment failures, and violence.
- Resources for staff (e.g., inservice programs for licensure, impaired physician resources, etc.).
- How to report and resolve problems and complaints within the department and within the hospital.
- Responsibilities of emergency department and hospital managerial personnel, specifically, the duties of key administrators and medical staff officers, and under what circumstances they can be of assistance to the ED staff.
- A policy defining under what circumstances a pregnancy test is needed for women of childbearing years (ACEP and ACR are excellent resources).
- Hospital policy regarding documentation guidelines/requirements.
- Hospital policy regarding disclosure of unanticipated outcomes.
- OSHA, ADA, EMTALA and HIPAA requirements and The Joint Commission standards.
- Procedures for reporting incidents and potential claims to the hospital's designated representative. Emergency physicians insured by MIEC should know how to report claims to the MIEC Claims office, whether they are practicing in Alaska, California, Hawaii, or Idaho. All emergency department staff members should know when legal advice is needed and who to contact for what advice.

Orientation to policies and procedures is meaningful only if the policies and procedures

reflect the reality of the department. It is incumbent upon physicians and nurse ED directors to participate in periodic reviews of policies – ideally soliciting feedback from staff – and to update the policies and procedures as needed. In litigation, plaintiff's attorneys have used emergency departments' written policies and procedures and staff deviation from them to argue that department staff did not meet a department's own stated standard. For further discussion of these principles, call the Loss Prevention Department at (800) 227-4527.

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MIEC enhances its policyholder services by offering “Added Benefits”

Medical Insurance Exchange of California (MIEC) is pleased to announce the addition of the following “Added Benefits” that will assist policyholders obtain CME credits, manage diagnostic test results, and improve patient education.

Free-online CME: MIEC has partnered with **Advanced Practice Strategies (APS)** to offer policyholders access to its extensive library of CME core and specialty-specific courses developed with nationally recognized experts. A core set of curriculum modules, applicable across all areas of practice, address general topics in risk and safety. Specialty-specific courses nearly all areas of medicine. **MIEC policyholders can obtain AMA PRA Category 1 CME credits free of charge.**

Automated patient notification system: MIEC is facilitating policyholder introduction to **Secure Reach**, an automated system that tracks referrals, laboratory and other tests from the time they are ordered until your patients are notified of their results. It offers a personalized message system created in the physician’s (or representative’s voice) and preserves the communication indefinitely. It increases office efficiency and reduces the potential for patient injury by facilitating convenient communication between physicians and their patients. **MIEC policyholders who purchase SecuReach are eligible to receive a ten-percent (10%) discount off SecuReach’s standard monthly fee.**

Multilingual patient education: MIEC has partnered with **The Exchange**, a partnership of health plans, health care delivery entities, and corporate affiliates who exchange health communication, information and resources, and shares online **multilingual** health materials. The Exchange website (www.health-exchange.net) is open to everyone, but its online library of translated health materials is available to partners or corporate affiliates only. **MIEC policyholders receive free unlimited access to the Exchange’s online pdf archive of nearly 4,000 translations of health education materials.**

Animated 3D patient education: MIEC has partnered with **Visible Productions**, to allow policyholders access to its library of anatomically structured 3D models of the human body, complete multi-part multimedia programs, 3D medical animations, and topic segments. This media complements the physician-patient informed consent discussions. **MIEC policyholders have unlimited access to this amazing resource.**

To access these resources, go to MIEC’s website at www.miec.com, log in (your username and password is available by calling your MIEC Underwriter) to explore and review all of the resources available to you. Non-policyholders should click on the **Why MIEC** tab and then on **Added Benefits** tab to learn more about these, as well as the other resources that our website has to offer.