

How Not to Get in Trouble

or, Ethics, Risk Management, and Liability Issues in Practice Management

What's risk management about in a nutshell?

Understanding accountability and practicing good
communication.

It's not possible to have a business without risk. And
it doesn't have to be scary.

Key elements of risk management

- Trauma Informed Care
- Boundaries
- Communication
- Documentation & Processes

Trauma Informed Care

Trauma Informed Care: foundational to safety

- recognizes the prevalence of trauma among patients, staff
- .recognizes that punishment, shame and blame do not make anybody safer
- .cultivates transparency and collaboration
- .no pressure, no surprises
- everyone needs predictability, safety, trustworthiness and neutrality

Common Trauma Triggers in Healthcare Settings, according to Laurie Lockert MS

- authority figures
- sensory cues of past events
- lack of power/control
- feeling threatened or attacked
- caught by surprise
- feelings of vulnerability and rejection
- sensory overload
- shaming

Boundaries

“Holding Space” for patients

energetic bonds between practitioner and patients are made out of a kind of nonjudgmental, accepting, empathic, focused attention that the practitioner directs toward the patient and the patient reaches out and holds on to

quality of sameness in all patient relationships

practitioner shows up in the same way for hundreds of people, day in and day out — which requires a particular kind of stability, consistency, and commitment

Healthy boundaries in clinic means maintaining consistency

If someone were observing you in clinic, ideally, they wouldn't be able to see significant differences in how you interact with a patient that you like on a personal level versus a patient you don't like on a personal level, or even actively dislike.

It's not about being a robot, it's about being centered, intentional, and disciplined

If you have a relationship with a patient that varies a lot from the baseline of all your other relationships with patients, it will affect the vibe of the clinic, and not in a good way. Community acupuncture clinics depend on good vibes!

Practitioner Persona

Core aspect of maintaining boundaries

Your practitioner persona is an impersonal, selfless, warm version of you

Overlaps with your “real” personality but isn’t identical with it; to some degree it requires putting yourself aside when you walk into clinic

Practitioner persona/boundaries protects you from patients and also protects patients from you

I'm just your acupuncturist

Many times in clinic I've reaffirmed a boundary with a patient by saying silently to myself, "I'm just your acupuncturist."

I'm not your doctor, I'm not your mental health therapist, I'm not your physical therapist, I'm not your friend, I'm not your date, I'm not your mom, I'm not your life coach. I'm just your acupuncturist.

Which is a pretty great thing to be.

Accountability to Patients

you're accountable to them for:

- maintaining confidentiality with their protected health information (see the POCA Tech Privacy Manual if you need a refresher)
- making sure you have informed consent to treat them
- treating them safely and ethically (following principles of trauma-informed care goes a LONG way here!)
- maintaining and managing certain information, like chart notes for each treatment
- And...

NOT DATING THEM

In many states, dating your patients is specifically prohibited by your licensing board.

Communication

Communication is a crucial element of risk management

- Communication is both formal and informal - both matter!
- Communication should be proactive
- Most people undervalue communication and do much less of it than their practices need them to. Communicating enough in a business context is going to feel like over-communicating to most normal humans.

Written Communication = Paper Trail

you always want to keep a good paper trail!

- Communication includes policies, which are written down in manuals.
- Putting together manuals ahead of time feels like a lot of work but it also prevents drama and stress, in part because it makes you figure out what you'll do in stressful situations before they actually come up — which makes it easier when/if they do
- Written communication/your paper trail requires organizing all the forms, manuals, etc. You have to be able to find them in case somebody (to whom you are accountable, like the government) wants to see them.

Pro Tip:

Minimizing drama and stress in your
business also minimizes risk and
supports positive cash flow!

A subset of good communication is **TRANSPARENCY**

- Remember trauma-informed care and how people don't like surprises?
- Minimizing surprises for people you interact with in your practice = minimizing risk
- This includes patients, employees, employers, volunteers, and also landlords
- A little proactive, transparent communication can go a long way in staying out of trouble

Documentation & Processes

Train Yourself to Take Care of Your Paper Trail

(this is a cornerstone of risk management)

- It's a lot like training yourself into any other good habit
- Keep your records current, don't let yourself get too far behind on things like patient charts and bookkeeping
- Make a calendar for important deadlines like licensing renewals and CEU completion
- Make manuals and update them regularly
- Train yourself to write incident reports when something out of the ordinary happens

Incident Reports

- Don't have to be a big deal or take up lots of time and energy
- Should be written for anything that feels risky (example: if someone slips and falls in your clinic, or if a patient crosses an important boundary with a punk)
- Just get in the habit of being able to dash off an incident report and store it somewhere you know you can find it if you need it

Emergency Plans

You should have a template emergency plan for your practice. Please use it to actually draft a plan — it's an important part of risk management.

- Adverse events – responding to patients, contacting malpractice carrier
- Withdrawing of patient care
- Premises coverage – 3rd party bodily injury and property damage (check your policy!)

If you do get in any kind of trouble which can happen through no fault of your own

- Your paper trail will be very important. You will need it to get through the trouble and out the other side.
- Always remember that anybody to whom you are accountable (like your licensing board) is also accountable to somebody else (like your state government) and so THEY need to create an appropriate paper trail for THEIR purposes.
- Certain kinds of trouble will create their own extensive paper trails, for example a 2 alarm fire that destroys your clinic (ask me how I know). A crucial part of getting through that trouble was simply ongoing document management, which takes time and energy, and must be planned for.

In closing...

Remember, risk management is just part of having a business. You can decide to make it routine and not scary. It's mostly about proactive communication, good organization, and keeping a tidy paper trail.