



RISK MANAGEMENT

Dual Responsibility

By **Stuart E. Hoffman, D.C., F.I.C.A.**

Doctors of chiropractic, who by and large operate as independent business persons, have a unique duality of responsibilities that come together in a profound and very serious fashion in terms of potential liability for all that goes on in the clinic. This includes both the business and the clinical dimensions of the practice. Because of the clinical demands of modern-day chiropractic practice, it is the host of potential issues related to the business end of practice that tend to be neglected, missed or misunderstood, all to the possible peril of the practice.

The diverse and often unforeseen nature of business and practice pitfalls simply means that the practitioner must be constantly on watch; ever vigilant, and constantly mindful that they are the responsible party. Here are four not-so-uncommon scenarios that illustrate the point I am trying to make:

1. The Fill-In Doctor

It is a very common practice to have a fill-in doctor cover the practice when the principal doctor is on vacation, ill or otherwise unavailable to maintain the clinic schedule of patient care. It is also common practice to make arrangements for the fill-in doctor on a completely informal basis, with nothing in writing. While there is some element of convenience in this approach, and it is nice to assume that professional congeniality and trust is sufficient to cover all possibilities, it is an increasingly common source of difficulties, from annoyances to real legal liability.

The importance of a written agreement and the establishment of the exact terms under which a doctor other than the clinic owner has access to patients and their information should be self-evident. Too many real life experiences indicate that at a minimum, any services by a fill-in doctor, regardless of how well or how long you have known them, should be covered by a written agreement. Also, asking for proof of things as basic as a valid chiropractic license, current malpractice coverage that extends to the "locum tenens" (Latin for the term "place-holder" and commonly used in legal and business to define temporary, fill-in provider) doctor's activities in your clinic, is absolutely appropriate.

Above all, it is essential to clarify via documents and absolute validation that the fill-in doctor has personal professional liability insurance for their service in your clinic. Secondly, and in this day and age of meticulous scrutiny of insurance claims, make sure that the terms of billing patients, billing insurance and collections is crystal clear and within the exact rules for such procedures. While informal arrangements that include billing for services provided by the fill-in doctor under the contract or provider number of the clinic owner seems reasonable on the face, it is usually more complicated than that, and under certain circumstances might be considered outright

fraudulent. Check the rules and follow them without exception where billing is concerned.

The area of billing is also related to your compensation agreement with the fill-in doctor. Here be exactly specific about the amounts and time frame by which that doctor is to be paid. Also, it is important to avoid any situation where a dispute or delay in payment motivates the fill-in

doctor to attempt to collect directly from your patient.

Patient confidentiality is another realm where a written agreement is vital, both in terms of HIPAA exposure and, yes it has been a serious issue, preventing the visiting doctor from copying patient information and soliciting them to switch providers, purchase health related items or otherwise exploiting that information inappropriately. You are liable for misuse of that information, not to mention the damage such activities can do to your reputation and that of your practice.

Finally, and this is an absolute must, any agreement should spell out professional conduct in terms of relations with patients. Boundaries, as such personal misconduct issues are called these days, is a serious and potentially disastrous arena, and one in which you need to be as well protected as possible, starting with a written pledge from the fill-in

doctor that they are aware of and agree to abide by the highest professional ethics and respect patient boundaries absolutely.

Remember, you are always responsible, and you may be liable, so always act accordingly.

2. Compromising Credit Card Information

Credit card security is a national concern and rightfully so. According to the US Department of Homeland Security, the cost of credit and charge card fraud may be as high as \$500 million a year. What will you do when you find out that a staff member has taken and fraudulently abused patient credit card information? Yes, indeed, that individual is criminally liable for their misdeeds, but if you did not have established security procedures in place, did not monitor such activities and,

CONTINUED ON PAGE 16

ICA COUNCIL ON CHIROPRACTIC PEDIATRICS PRESENTS...

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This 8-hour program is designed to teach the doctor of chiropractic the foundation of neurological activation, how development maturation is determined by the facilitation and inhibition of primitive reflexes, and the role of chiropractic in this process.

Dr. Laura Hanson is a speaker who knows how to keep her attendees interested. She challenges their intelligence and makes them think. A skilled adjuster for infants, kids and pregnant women, she combines science with the art of chiropractic to help DCs understand the impact of neurological health and how to promote peak potential.

In this course the practitioner will learn:

- Activation of the nervous system and the neurological windows associated with pediatric development
- Epigenetic expression of the "bio dome"
- Pregnancy and fetal endocrine development

- Chiropractic documentation of pregnancy and history
- Activation of the vestibular system and the neurological link between posture and the senses — vestibular ocular reflex, cortex development and function, hemisphericity
- The different embryonic reflexes and primitive reflexes for neurological function, facilitation and inhibitory time line
- The neurological link between the posture reflexes and the special senses focusing on chiropractic hemispheric assessment and adjusting protocols, sensory motor integration and chiropractic.
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Only doctors of chiropractic may register for this program.

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or call 001-703-528-5000 - Ext 110 or fax request to
ICA Pediatrics Council at 001-703-351-7893

ABOUT THE SPEAKER:

Dr. Laura Hanson became interested in pediatrics early in chiropractic school. After obtaining her Bachelor of Science degree from Georgia University, she joined Life University from where she received her DC degree. Because of her love of learning and children, she enrolled in the ICA Pediatric Council's DICCP (Diplomate in Clinical Chiropractic Pediatrics program) and became Board Certified in 2001. Her focus in the past few years has been on pediatric neurology. She has continued to pursue her studies in this field and became a certified neuro-developmental therapist (NDT) in 2006.

Dr. Hanson is Assistant Professor at Life University where she has designed a specialty clinic for developmentally delayed children and pregnant patients for their outpatient clinic. She also serves as an instructor on ICA's 3-year postgraduate DICCP program in the US and in Australia/New Zealand, administered by the New Zealand College of Chiropractic. She has also presented papers at several conferences and symposiums.

Dr. Hanson has been in private practice for more than 12 years specializing in prenatal and pregnancy with special focus on children with developmental delay.

