

DUAL RESPONSIBILITY— HOFFMAN

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above all, if you were aware of, or even suspicious of such abuse on the part of your staff and did not act immediately, your liability compounds. Inaction is big trouble in such cases, both because the problem will grow in terms of actual criminal possibilities, and because the damage to the reputation of your clinic and yourself will extend far beyond what it might have if you had acted promptly.

You would be surprised at the reasons business owners give for being slow or reluctant to act in situations where financial information is being fraudulently abused by an employee. A strong desire to avoid involving the authorities tops the list, followed by concerns about the damage such revelations might have on the

business. There is even a case on record where a medical doctor declined to turn in an employee because they were afraid they would retaliate by telling those same authorities about illegal activities on the

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such issues makes you an accomplice.

Where your patients' money is concerned, remember that your revenue stream is directly tied to the integrity of your business practices. Always be alert, be proactive, and never never hesitate to act to right a wrong situation, even if the police or other authorities are involved. Never assume that financial information or cash is secure just because a close friend or family member is fulfilling this role in your clinic. Statistics show that nearly 20 percent of theft in small businesses takes place to the hands of family members.

3. Personnel Disputes

Most chiropractors employ a small number of people in clerk, chiropractic assistant, insurance clerk or x-ray technician positions and can take comfort from the fact that, with a small number of employees, such matters as unionization, OSHA

and employee workers' compensation do not unduly burden your operations. You are, however, still obliged to conform to your jurisdiction's labor laws and you should know what they are, have written policies, even for one employee, and always seek counsel from knowledgeable authorities before you act in any dispute with an employee.

Here is a case in which one doctor did not act soundly in a personnel matter. This well-intentioned practitioner had a CA who decided to quit because of pregnancy. No letter of resignation was obtained, no paper trail regarding the reason for the end of her employment was recorded and she simply stopped coming to work and the practice stopped paying wages. Nearly two years later, much to the doctor's surprise, they found out that they were being sued over the allegation that the employee was terminated against her will because she was pregnant. This is always a difficult situation to address and an even harder one to defend in the absence of any personnel records.

Here is where far too many DCs fail to follow through in their business organization and operations. Do the work necessary to know your obligations under the employment laws and regulations in your jurisdiction and make the effort to create and maintain complete personnel files and records. Use the Internet and the resources of business and professional organizations that have templates you can use and who can provide advice on what you need to do, should do and should not do. It will always be time and money well spent.

4. Staff Misconduct

Drug abuse is the scourge of our society. It cuts across all age, class and geographic lines and pops up where you least expect it. In one real life incident, a clinic staff patient was found to be routinely buying illegal drugs from a teenage patient. Fortunately, the doctor had the presence of mind to immediately act, terminating the staff member for well-documented cause, and releasing the patient from their care. The doctor also took the step of sharing what he knew about the drugs being sold with the young person's parents. There is no doubt these few days were not good for the practitioner, but he sought counsel from his attorney and from their malpractice carrier, and acted correctly.

The lesson in all this is clear: Be alert, do the work, be proactive when problems emerge, get legal advice and always check your coverage before an incident occurs. The business side of the work of chiropractic practice is usually more complex that you would like, more time consuming and demands action in areas where you might not have much training or information. Still, it is essential and time well spent, especially in the context of the fundamental legal fact of practice today: **You are responsible.**

STUART HOFFMAN, D.C. is president of ChiroSecure, a professional liability insurance company endorsed by the International Chiropractors Association. Dr. Hoffman is an experienced chiropractor and licensed insurance broker who knows the intricate details of daily practice. He can give you the best advice based on his unique knowledge of both the insurance world and the world of chiropractic practice. To contact Dr. Hoffman call 1-480-657-8500 or 1-800-802-4476.

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