

Recommended Curriculum Guidelines for Family Medicine Residents

Risk Management and Medical Liability

Risk management refers to strategies that reduce and minimize the possibility of a loss. The systematic gathering and utilization of data are essential to loss prevention. Good risk management techniques improve the quality of patient care and reduce the probability of an adverse medical malpractice claim or outcome. This core curriculum outlines the attitudes, knowledge and skills currently recommended for residents in the area of risk management.

Attitudes

The resident should develop attitudes that encompass:

- A. Awareness of potential risk and professional liability.
 - B. Appreciativeness of the importance of good communication and rapport.
 - C. Appreciativeness of the importance of documenting high risk events.
 - D. Consideration of the importance of obtaining and documenting informed consent in high risk situations
 - E. Sensitivity to the roles of federal, state, commercial and other agencies involved in risk management and medical liability issues.
- D. Consent
 1. Consent vs. informal consent
 2. Patient capacity vs. competency
 3. Surrogacy
 4. Power of Attorney for health care, living wills, prior expressed health requests
 5. Advance Directives
 6. Minors
 - E. Privacy
 1. Patient confidentiality — HIPAA (Health Insurance Portability and Accountability Act)
 2. Privilege to disclose
 3. Duty to disclose
 4. Minors
 5. Legal breach of confidentiality (eg. abuse, reportable diseases, etc.)
 - F. Office Issues
 1. ADA (Americans with Disabilities Act)
 2. Sexual harassment
 3. Hiring/firing
 4. OSHA (Occupational Safety and Health Administration)
 5. Employment at will
 6. Managed care vs. private patients
 7. Liability insurance

Knowledge

The resident should demonstrate knowledge of:

- A. Source of law
 1. Constitution (Federal/State)
 2. Statutory law
 3. Common law
 4. Regulations
- B. Medical Malpractice
 1. Elements of case
 2. Duty
 3. Breach
 4. Causation
 5. Damages
 6. Common allegations
 7. Malpractice judgment reporting
 8. Trial or arbitration
- C. Risk Management
 1. Physician patient communication
 2. Charting
 3. Management of diagnostic tests
 4. Documentation of conversations and phone calls

Skills

The resident should demonstrate skills in:

- A. Listen and communicate with patients in a compassionate manner
- B. Document appropriately
- C. Appropriately interact with regulatory entities and the legal system
- D. Maintain competence through continuing medical education ■

Resources

Documenting High-Risk Cases to Avoid Malpractice Liability: You're at the Highest Risk of Malpractice Suits When Dealing with these Five Clinical Conditions. Full Documentation Can Help. Davenport J - Fam Pract Manag - 2000 Oct; 7(9); 33-36

Medical-legal Issues: The Patient Relationship and Risk Management. West R - Clin Fam Pract - 2003 Dec; 5(4); 905

Medical-legal Issues: What You Should Know About the Legal Process. West R - Clin Fam Pract - 2003 Dec; 5(4); 923

Legal Medicine, 5th Ed., Sanbor, S. Sandy, Mosby, 2001

Depositions: Defending Your Care. Teichman, Peter. Family Practice Management. July/August 2001

Coping With the Stress of Being Sued. Brazeau, Chantal. Family Practice Management. May, 2001

Documentation Tips for Reducing Malpractice Risk. Teichman, Peter. Family Practice Management. March, 2000

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