

RISK MANAGEMENT SERVICES, POLICIES & PROCEDURES

Physicians should report in a timely manner to the Risk Manager all of the below:

Any **Summons** served on an insured notifying them that they have been named in a lawsuit, or, any letters of intent to name them in a lawsuit must be reported immediately to the Risk Manager. We will require information on how the Summons was received, when the Summons was received and who signed for it (we would prefer you do not sign for these). Please save the envelope and make a note on it if you need to. Any act, omission, event, incident, or accident which may give rise to a lawsuit, even in the absence of a clear intent to sue; Any written or verbal Notice of Intent to sue received from a patient, patient's appointed representative or patient's attorney; Service or knowledge of the filing of any lawsuit against me alleging:

- Unlawful Discrimination
- Harassment
- Malicious Prosecution
- Assault and Battery

The Risk Manager will need to notify our carrier and attorney, to initiate claim coverage and legal representation. A copy of the patient record should be sent as soon as possible to the Risk Manager to be forwarded to the assigned attorney. If the incident occurred in the hospital or other facility, the physician should request immediately, a copy of that chart.

It is our policy to terminate the physician-patient relationship in cases where the patient has given notice of the intent to sue or has filed with the court system a claim for litigation against the physician and/or the group for medical negligence or medical malpractice or where the patient is recklessly non-compliant. **We have a standard package to assist with this process.** Except for acts of violence where termination is immediate, in communicating our termination of the care for the patient we will allow sufficient time for the patient to arrange for medical care from another provider and we will continue to provide care during the transition period for medical conditions which would otherwise jeopardize the patient's current medical state. We will cooperate in providing copies of the patient's medical information either to the patient or at the patient's request, to the new physician chosen by the patient.

Incidents involving the patient or a family member of the patient such as verbal threat to sue or verbal threat of physical harm or actual attack which result in termination of a patient from the practice will be reported to the Risk Manager and the patient will be terminated from the group practice. (See "Terminating the Doctor/Patient Relationship" package). This is your greatest protection from potential lawsuits.

Any **subpoena** where the doctor is asked to either testify in court or give deposition testimony, which will be recorded, and which might lead to the physician being added to a current lawsuit, must be copied immediately to the Risk Manager in order to notify our insurance carrier and arrange for an attorney to protect your interests. Our policy is that our doctors do not speak with another attorney in these cases, without our own attorney present. In the case of testimony in a trial where the physician is named or might be named in the lawsuit, we require our attorney to go over testimony with the doctor and prepare our physician prior to the trial.

Any requests (written or verbal) from the Medical Board of California or from Medicare or Medi-Cal or their agents for records and/or a summary of treatment for a patient or notices of complaints filed or investigation involving the physician should be copied and/or reported immediately to the Risk Manager and should be responded to only with the assistance of an attorney. Under no circumstances should a physician agree to a telephone interview by any of these agencies without assistance of legal counsel or respond in writing to a request by any of the above. **We strongly recommend that you do not speak with these entities yourself.**

All **patient grievances** will be promptly reported to the Risk Manager. The Risk Manager can provide assistance with responding to and resolving the complaint in a timely manner. If possible the Risk Manager

will attempt an informal resolution of the complaint (i.e. over the telephone), however, if the complaint cannot be resolved in this manner the Risk Manager can assist with a timely written response and with resolving issues by assisting with analysis of the complaint and if appropriate, suggesting a change of existing policies and procedures or implementation of new policies and procedures as needed to remedy any failure of current systems which may be at the root of the complaint.

Subpoena for Patient Records: For subpoenas demanding copies of the patient records for matters not involving the physician, it is not necessary for the Risk Manager to see every records subpoena if the following **basic guidelines for copying medical records** are followed:

- (1) Check the subpoena for correct name, date of birth and social security number. If these all match your patient record, it is a legitimate request and you would allow only the documents stipulated in the subpoena to be copied (“All” means All, otherwise follow the request, look for specific dates of service, or progress notes only, for example)
- (2) Call the patient and let them know you have received a request for a copy of the record
- (3) Do NOT allow the record to be copied until at least 15 days from receipt of the request
- (4) Check the entire record for information on the following:
 - a. HIV/AIDS testing or diagnosis
 - b. Alcohol/Drug abuse information
 - c. Psychological testing/diagnosis information

Do NOT allow copies of this information (4: a, b, c) without a separate authorization for each of the 3 conditions (see attached).

If you have any questions about a subpoena and how to respond, please contact the Risk Manager.

If you feel, after reviewing the record that there is some reason NOT to release the record even though the subpoena appears to be in order, please contact the Risk Manager.

I agree to comply with the Risk Management Policies and Procedures listed above.

Physician Signature & Date

Please print name clearly

Physicians may contact the Risk Manager with any questions regarding current guidelines, laws, incidents or patient issues. Linda Grow 562-299-5203 or lgrow@argusmsso.com