

HEALTHCARE SYSTEMS: SUPPORTING AND ADVANCING CHILD HEALTH**LEGAL ISSUES / RISK MANAGEMENT****INTRODUCTION**

Risk Management is a discipline commonly perceived to be the domain of the institutional personnel and committees who are called upon to administer the aftermath of adverse events. However, consequence management is far from the most effective utilization of such resources, as they are most efficiently and ethically deployed in preventive programs. Risk management therefore prospectively draws upon the disciplines of law, patient safety, quality improvement, systems management, ethics, and human resources in addition to medicine, in an effort to eliminate or ameliorate the undesirable consequences of delivering healthcare services.

KNOWLEDGE

Pediatric hospitalists should be able to:

- Summarize the regulatory and legal stipulations that may impact pediatric hospitalists' contracting and practice including:
 - Anti-kickback regulations (Stark Rules)
 - Anti-trust regulations (Sherman Act)
 - Billing rules, coding for services, collections (Fraud and Abuse regulations)
 - Transfer / transport of patients (Emergency Medical Treatment and Active Labor Act (EMTALA))
 - Utilization review and managed care issues
- Describe the behavioral and physical characteristics of the impaired practitioner, including fatigue, substance abuse, and disruptive behavior.
- Identify the role of behavior and attitudes in generating patient and family/caregiver complaints.
- Explain the role of formal intervention programs for impaired practitioners.
- State the responsibilities of state medical licensing boards and the Drug Enforcement Agency.
- Summarize the role of the Hospital Medical Staff in granting clinical privileges and initiating disciplinary actions.
- Define the role of the National Practitioner Data Bank.
- List responsibilities associated with maintaining malpractice insurance, including documentation and disclosure requirements).
- Explain the legal definition of negligence.
- Define the terms "assent" and "consent," and describe the circumstances in which informed assent or consent is needed.
- Explain the role of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule in maintaining patient confidentiality.
- Compare and contrast the malpractice risk in healthcare environments with and without trainees.
- Give an example of legal issues which can arise in various clinical scenarios such as end of life care, "no code" discussions (do-not-resuscitate or allow-natural-death) organ donation, guardianship, and newborn resuscitation.
- Describe the role of pediatric hospitalists in recognizing and reporting family violence (child, spouse and elder abuse).

SKILLS

Pediatric hospitalists should be able to:

- Obtain informed assent and/or consent from patients and/or the family/caregiver.
- Disclose medical errors clearly, concisely and completely to patients and the family/caregiver.
- Accurately communicate in difficult situations and when delivering sensitive information, with compassion and a professional attitude.
- Effectively support and communicate end-of-life decisions and planning.
- Consistently practice patient and family centered care by educating and empowering patients and the family/caregiver thereby enhancing safe delivery of healthcare.
- Transfer patient information concisely and precisely to other healthcare providers during all transitions of care.
- Prescribe treatments safely, using safe medication prescribing practices.
- Consistently document in the medical record with accuracy and appropriate detail.

ATTITUDES

Pediatric hospitalists should be able to:

- Role model professional behavior.
- Respond to complaints in a compassionate and sensitive manner.
- Seek opportunities to learn and practice risk reduction strategies (such as failure modes and effects analysis (FMEA) and others).
- Engage trainees in discussions on the importance of communication and documentation.

SYSTEMS ORGANIZATION AND IMPROVEMENT

In order to improve efficiency and quality within their organizations, pediatric hospitalists should:

- Engage in organizational risk management efforts, and promote risk prevention by active participation in appropriate hospital committees.
- Advocate for healthcare information systems that enhance ease and accuracy of documentation and prescribing.
- Encourage and support efforts to create a comprehensive risk reduction program encompassing education for hospital staff, medical staff, and trainees.

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