



Risk Management in Home Health Care

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September 14, 2007

These materials are designed for educational purposes only
and are not intended as legal advice.



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 - Patient injuries and complaints
 - Professional and General Liability
 - Employment Practices Liability
 - Workers Compensation
 - Property and Auto Liability
 - Insurance placement and management



Where is the exposure?

- Medial Director
- Registered Nurse
- Licensed Practical Nurse
- Certified Nursing Asst
- Pharmacist
- Physical Therapist
- Pharmacy Technician
- Respiratory Therapist
- Respiratory Technician
- Registered Dietician
- Patient Advocate
- Reimbursement Staff
- Durable Medical Equipment
- Delivery Driver/Outside Courier



Most Common Patient Related Exposure

- Adverse Drug Reaction
- Medication Error
- Unexpected Death
- Equipment/Product Defect
- Oxygen Fire/Burns
- Fall
- Sexual Misconduct/Physical Abuse
- Breach of Confidentiality



Claim Frequency

- Most frequent type of claim
 - Adverse drug reaction to Aminoglycosides
 - Usually involve Gentamicin
 - Lower severity, high frequency
 - Settlement costs increasing
 - Proactive patient assessments, establish a baseline
 - Education on admission
 - Informed Consent on admission for Aminoglycoside therapy



Claim Severity

- Most severe type of claim
 - Medication error
 - Low frequency, high severity
 - May involve neurological impairment/death
- Majority of medication errors are related to mixing
 - Failure to perform double check is missed opportunity



Most Common Medication Errors

- Point of Error

1. Administration
2. Delivery
3. Dispensing
4. Labeling
5. Compounding
6. Drug Selection (look alike drugs)
7. Double Check Missed
8. Order Entry
9. Pump Program
10. Transcription



Exposure to the Organization

- Turnover decreases policy compliance
 - Education: new employee orientation
 - Reeducation: annual training
- Solicitation of plaintiffs has increased litigation and verdict/settlement value of cases
- Home Care Provider as target
 - MD has 1M policy, Home Care Provider >1M
 - Home Care Provider not required to report to National Practitioner Database



Patient Safety

- Patient's active involvement in care as a safety strategy
 - JC Pt Safety Goal13
 - Educate patient/care partner
 - Safe medication practices
 - Adverse drug reaction symptoms
 - Environment and Hygiene safety
 - Eyes and ears in the home
 - Open communication reduces litigation



Risks by Type of Events

- Adverse Drug Reaction
 - Any Gentamicin reaction that does not resolve completely during treatment
 - Ringing in ear, dizziness, gait imbalance, hearing loss, renal insufficiency
 - Severe reaction to Vanco/Aminoglycosides that does not resolve
 - IVIG reaction requiring EMS



Risks by Type of Events

- Medication Error
 - Involving patient injury requiring EMS
 - SERIOUS potential for injury
 - Sequester any unused medication
- Major Incident (Sentinel Event)
 - Death, dismemberment, severe disability, etc...
 - Unexpected death related to care, not disease progression



Risks by Type of Events

- Medical Device
 - Equipment malfunction involving pt injury requiring EMS
 - Sequester equipment immediately
- Oxygen Fire/Burn
 - Smoking on oxygen or in home
 - Sequester equipment immediately



Risks by Type of Events

- Access Device Complication
 - Tissue damage
 - Retained fragment, sequester immediately
- Supplies/Product
 - Defective/improper use involving pt injury
 - Sequester product immediately



Risks by Type of Events

- Exposure
 - Blood/Bodily fluids that were not pts
 - Toxic drug requiring EMS
- Fall
 - Patient fall while provider present, involving injury
 - Implement fall reduction program
- Infections
 - SEVERE allegedly due to care



Risks by Type of Events

- Confidentiality Breach
 - Serious breach, theft
- Criminal Activity
 - Allegedly committed by employee
- Motor Vehicle Accident
 - Involving employee and another car/person



Risks by Type of Events

- Sexual Misconduct or Physical Abuse
 - Any allegation against employee
 - Professional vs nonprofessional
 - Proper credentialing
 - Criminal background check
 - New hire at minimum
 - Clear professional boundaries
 - You are not a part of the family



Risks by Type of Events

- Complaints
 - Complaint about care provided
 - request for money, apology or payment of medical bills
 - reference or threat of lawsuit, attorney or media contact
 - statement, reference or inference that care provided caused injury, ER visit, hospitalization or death
 - any unusual call or letter that is threatening to the organization



Drug Diversion

- Clinician Exposure
 - Pharmacist/Pharmacy Tech
 - Nurse
- Drug screen
 - Policy and procedure
 - Consequences for a positive screen
- Reporting obligation
 - Professional Board
 - DEA



Standards and Regulations

- Applicable State and Federal regulations
- Accreditation Standards
 - Joint Commission Patient Safety Goals Home Care
- Organizations Policy and Procedure
 - P&P starting point for establishing the standard of care for lawsuit, Licensing, Accreditation
 - P&P should meet current standard of practice, not the cutting edge
 - If P&P outdated and not reflective of practice, change it!



Documentation

- Notes should reflect level of care provided
 - Include the facts involved in event
- Document **ALL** telephone contacts
 - Document name/title/date/time of contact
 - Document specific message or request
 - Document pending action or resolution
 - Document notice of adverse reactions



Documentation

- Document discussions with patient/care partner
 - education/return demonstration
 - patient's response/reaction to therapy
 - document alternatives provided and patient's informed consent
- Document reasons for deliberate omissions from policy or physicians orders
- Avoid documenting correction/late entry after there has been an event



Employee Related Exposures

- Employee Injury
- Strains/Repetitive Motion injuries
- Auto accidents
- Weapons
- Physical threats
- Sexual Harassment
- Illicit activities



Most Frequent Injuries

- Employee Injuries
 1. Strains
 2. Fall
 3. Laceration
 4. Auto Accidents
 5. Repetitive Motion Injury
 6. Needle stick
 7. Contusion
 8. Reaction



Employee Injury Safety

- Strains
 - Safe lifting training
 - Back brace
- Repetitive Motion Injury
 - Ergonomic evaluation of workstations
 - Ergonomic training and exercise
 - Scheduled breaks
- Needle Stick
 - Safety Needles
 - Carry extra sharps container



Employee Auto Exposures

- Auto Accidents

- Are employees covered on the Organizations Auto policy?
- Do you require personal insurance minimums for employees that drive for the Organization? 100/300
- Does the employees insurance policy allow driving for employment? Is it excluded?
- Is the company listed as additional insured?



Employee Physical Safety

- Weapons
 - Guns
 - Knives
- Physical Threats
 - Any unwanted touching
 - Verbal threats of violence



Employee Environment Safety

- Sexual Harassment

- Sexual advance by patient or someone in the home.
- Unwanted touch by patient or someone in the home.

- Illicit Activity

- Drug use or sale by the patient or someone in the home.



Managing Non-Compliant Patients

- Discuss issues even if unpleasant or confrontational
- Right to know concerns and consequences
- Document interactions and warnings in detail
- Allowed opportunity to comply
- Homecare Agreement or Termination letter, must be candid and give reasonable notice of formal actions
- Include Physician



Termination of the Relationship

- Cannot abandon patient
- Notice should be in writing
 - Send certified return receipt requested
- Must provide reasonable notice
 - Enough time to find another provider
 - Most states say minimum of 5 days
- Give a list of other providers
- Document, Document, Document



- Questions?