Reduce Physician Liability in Patient-Addiction Cases

By Jeffrey D. Brunken [6]

Here are six steps to protect yourself and your practice from malpractice suits stemming from a patient's prescription addiction.

Source: Physicians Practice

This past spring, the West Virginia Supreme Court ruled that patients could sue their physicians if the patients became addicted when their doctors negligently prescribed pain medication.

Shockingly, most of the patients in this case were already abusing controlled substances when they sought treatment from their physicians and then claimed they became addicted as a result of the doctors' criminal abuse of prescriptions. After hearing the case, the court ruled in favor of the patients and that there was enough blame to go around for all parties, including the physicians involved.

While this case is unusual, the fact that many patients are addicted to prescription opioids is not. Researchers at the University of Georgia reported this month that from 1999 to 2013, the number of opioid painkillers prescribed and sold in the U.S. nearly quadrupled. As a result of those prescriptions, 16,000 people died in one year — 2013 — the researchers reported.

Given these sad facts, physicians are wondering how they can protect themselves from malpractice suits when patients are so desperate for pain relief. The Centers for Disease Control and Prevention recommends these four steps:
1. Use prescription drug monitoring programs to identify patients who might be misusing prescription drugs.
2. Use methadone or buprenorphine or other effective substitute treatments for those patients who have substance abuse problems.
3. Discuss with patients the risks and benefits of pain treatment options, including ones that do not involve prescription painkillers.
4. Follow best practices by screening for substance abuse and mental health problems, by avoiding combinations of prescription painkillers and sedatives unless there is a specific medical indication, and by prescribing the lowest effective dose and only the quantity needed.

These steps have merit because they address the clinical aspects of patient care that are important in helping physicians to prevent prescription abuse. While good clinical care is obviously important, it's not enough to prevent a malpractice suit. Therefore, physicians should add two more steps to the list:

1. Make sure to build a solid patient-physician relationship with each and every patient. Such a relationship will improve patient-physician communication, which, in turn, will help you to evaluate the patient's clinical condition most effectively and perhaps recognize whether the patient is likely to abuse prescription medications.
2. Document all aspects of every patient visit thoroughly.

In a malpractice suit, your attorney will want to see thorough documentation in the EHR of the patient's condition and whether that condition improved or not at each visit. Your attorney also will want to know which medication was prescribed and why, the refill policy for each medication, and the steps for monitoring the patient's condition over time, including whether the patient was adhering to your orders and showing up for successive appointments.

All of these steps help to establish that you have been following best-practice guidelines, which will be the key to whether a malpractice suit is successful or not.

Source URL:
http://www.physicianspractice.com/blog/reduce-physician-liability-patient-addiction-cases
Reduce Physician Liability in Patient-Addiction Cases
Published on Physicians Practice (http://www.physicianspractice.com)

Links: