

# Reliance on guidelines alone, unpaired with objective and subjective standard of care exposes one to risk

Client: 7 Physician Clinic, Barrington, IL

Date: August 2017

[Download >](#)[Share <](#)

## OVERVIEW:

More than ever, providers are expected to follow evidence-based medicine using guidelines laid down by societies, payers and even clinical decision-support systems. This is especially true in the era of MIPS and APM. Malpractice attorneys say you should do so at your own risk. Guidelines are a weak defense against lawsuits.

See why.

## THR PROBLEM

Using guidelines as the standard of care

### Facts:

- Per: Joseph McMenamin, MD, a healthcare attorney in Richmond, VA. Specialty societies issue guidelines to protect physicians against unpredictable standards of care arguments coming from expert witnesses engaged by plaintiffs' attorneys
- Courts are wary of guidelines and view them as hearsay relying instead on expert witness to vouch for the standard of care,
- Standard of care is defined and therefore judged as "reasonable and ordinary care" exercised by a physician in the same specialty, in a similar community, and in like circumstances.

### Moreover

- Many guidelines are "aspirational" and try and address best practices. In that they look to define "optimal level of care" and that holds the physician to an even higher standard in a malpractice case.
- Another issue with guidelines is that are variable by nature. Virtually all of them bomb tests of their dependability. Ref: 2013 study<sup>[4]</sup> published in *JAMA Institute of Medicine (IOM)* study

### Recent Case:

- To see if there is one and add as appropriate to the column on the left or right space permitting

## THE SOLUTION

Per Dr Sullivan, the solution begins with the awareness that following guidelines is not an ironclad shield against malpractice exposure. So despite the pitch

- Do not treat the guideline as an imperative
- Err on the side of caution
- Document your discussion
- Notify patient of the discussion
- Document the notification

### The Risk Assist solution is centered on principles of

- PT communication
- PT notification and pt acknowledgment of notification
- Clear and precise documentation

## THE RESULTS

The results of this simple solution are surprising.

- Many plaintiff attorneys won't even touch a case where such documentation exists
- Clinics see increased revenue
- A 100% cases are Risk documented
- Better patient outcomes

## HIGHLIGHTS

- Understand that guidelines can be poor defense in medical malpractice lawsuits because of
  - Standard of care issues
  - Courts rely on "usual and customary" coming from expert witnesses
- Some guideline even come with disclaimers "use at your own risk"
- When things go sour claims originate
- Providers often found culpable for placing too much reliance on a guideline un-paired with subjective data and evaluations
- The Risk Assist solution is to implement a simple solution based on "standard of care" and one that has documentation and Pt engagement at its core
- It results in achieving all its desired outcomes
  - Improved care
  - Better outcomes
  - Reduced cost
  - Risk mitigated and
  - Increased revenue

### Customization

RiskAssistMD is able to customize these and other sections to accommodate clinic's special needs

[Download](#) a copy of this case study

[Email](#) us if you have any questions

[Request a Demo](#)

[More..](#)

State-of-the-art and innovative healthcare technology that works. Making it easier for the clinics to deliver care, easier for the patients to receive it, and keeping it simple for everyone.

[Request a Demo >](#)[RiskAssist Features >](#)