



MEDICAL STAFF ALERT

Allegations of patient assault or abuse by healthcare providers appear to be occurring more frequently. The law requires health care providers to report the abuse, neglect or exploitation of an Incapacitated or Vulnerable Adult or of a Child. We are required to report any suspected or actual abuse to law enforcement verbally and in writing within 48 hours.

In 2007, four Scottsdale Health Care professionals, including a physician, were criminally convicted for failing to timely report an allegation of sexual assault to Law Enforcement. One of these providers was sentenced to 1 day in jail. All four were required to do community service and 3 years of probation. The Arizona State Board of Nursing fined one of the nurses and issued letters of censure against both nurses. It is unknown if the Arizona Medical Board has initiated an investigation against the physician.

BGSMC has a process in place to comply with the law. We also have a detailed process on how to investigate and manage these allegations. The process is designed to assure that a fair and non judgmental investigation is conducted and to provide support and privacy to our staff and physicians. All employees are being educated on this process, and it is important that you understand this legal requirement and our process as well.

What you can do to avoid allegations:

Explain to the patient what he/she can expect before examining or touching him/her. Use a chaperone or observer whenever appropriate, and consider asking the patient if he/she would like to have someone in the room. If a patient asks you to "stop" at any time during a procedure or treatment, STOP. Do not continue without consent from the patient. Explain the risk of stopping/not performing the procedure and document the facts of the situation, your discussion with the patient and what action was taken. If you believe that the patient lacks capacity and stopping the procedure poses undue risk, and you determine it is necessary to continue with the procedure, document why continuation was in the patient's best interest to continue.

If you suspect or overhear an allegation or someone reports an allegation to you:

Document the allegation in factual terms in the patient's medical record. Report the allegation immediately to a manager, administration or risk management with details of the allegation. An investigation will be initiated. If a report is required, be sure that either you or the administrative representation report the allegation to law enforcement.

If an allegation is made against a physician:

The physician will be notified immediately. Medical Staff Services/Department Chair and/or Chief of Staff will be notified as well. The physician will be asked to designate another physician to assume the patient's care.

Otherwise, the process is the same as it is for other staff. The physician will be advised not to visit or contact the patient or family. He or she will be interviewed by medical staff and/or hospital representatives. Finally, the physician may be contacted or interviewed by Adult Protective Services, Child Protective Services or law enforcement.

If questions arise regarding an allegation or the duty to report, do not hesitate to contact the Hospital Operator and ask to be connected to Risk Management.

08/1/11