

Managing Patient Relations Challenges

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For twenty years we have been privileged to manage the insurance requirements of the Canadian Association of Naturopathic Doctors (CAND) members, their associates and clinics.

From this experience we have been able to identify the most common causes of complaints and claims we are able to determine the best risk management practices in order to avoid future incidents or claims which can lead to financial or professional crises in your practice.

For obvious reasons we urge you to take a few minutes to review this article to help you avoid and/or respond to any incidents which may occur to you personally and/or your practice as a Naturopathic Doctor (ND).

Complaints and claims can come from many different sources. For example direct from your patient or, alternatively, through your regulatory board. It is important regardless of the source and must be treated seriously when it happens.

Professional practitioners assume¹ the position of trust and authority. Without professional boundaries the appropriate patient/ND relationship cannot be established or maintained. The nature of naturopathic practice is such that patients share their most sensitive information on their life and health with their ND. NDs are empathetic and understanding which can lead to a patient's confusion over the relationship and has the potential to result in claims should the patient feel the relationship is inappropriate or misinterpreted.

Always maintain a good chairside manor when treating patients. The standard of care must extend and apply to all who are attending the patient, whether the naturopathic doctor or support staff. Not all complaints manifest into a malpractice claim or regulatory complaint. It could simply be a case where the patient felt ignored or that they had received improper treatment, or perhaps a misunderstanding with respect to billing practices. With respect to the latter, NDs should always be very up front with patients about their fees as should front desk staff.

When a patient initially expresses dissatisfaction for any reason, take the time to sit down with them in a private room to discuss their concerns. If the patient sends you an email expressing dissatisfaction, we encourage you to request that the patient visit your office to discuss the matter or at the very least arrange for a one on one telephone conversation.

In either case express your concerns over their dissatisfaction and listen very carefully to what they have to say. Assure them that you want to work with them to address their

¹ CNA. (2019.). Risk Strategies for Managing Patient Relations Challenges https://go.cna.com/rs/227-QRE-550/images/FINAL%20-%202019-0102-RC_C-ss-Patient-Relations-v7.pdf

concerns and come to a satisfactory resolution for all involved. Make sure you are clear on the issues and ask for clarification if necessary.

If a disgruntled patient should threaten to sue you at any point during the course of their treatment this should be taken seriously. Make sure to make note of anything said by the patient and report the incident to Partners right away. NDs must be aware of and report possible claims or complaints even when the treatment appears to meet the standard of care.

If the patient asks for their money back, this is a business decision which you have to make. However if this occurs prior to returning the funds we encourage you to contact Partners Indemnity Insurance Brokers Ltd. who can advise you on how to proceed.

It is most important to retain good record keeping. We recommend that you review this with your regulator to make sure that proper records have been maintained in conjunction with standard of care. Often we have found after an investigation your regulator will find that you met standard of care in treating the patient but may issue sanctions against you for poor record keeping etc. Hence the reason for good record keeping at all times.

Good record keeping not only averts regulatory complaints it also helps your case with thorough recording keeping in the courts. Proper written notes provides a better defence in the courts. Typically if the note is not written down in the file then the court will consider legally it did not occur.

The best interest of your patient must be considered at all times. If the recommendation for treatment is beyond your scope or experience you are required to refer the patient to another health care professional who can help them.

If you find a patient is incorrigible and difficult to communicate with or not paying their bills you are within your rights to discontinue your services to the patient. NDs should be cognizant of any guidelines or policies established by the regulators on this topic. In some instances you may choose to recommend alternative providers for the patient to contact. A letter, using professional and non inflammatory language, should be sent to the patient summarizing why they are being terminated and outlining their treatments needs and any urgency for care.

Whether a patient decides to leave your care, or you choose to terminate your services we highly recommend that you consult a lawyer (consider contacting DAS for free legal telephone advice if you do not have a lawyer) and send an Incident Report to our office. Additional cautionary measures will be required if you are planning to reimburse the patient. The decision to reimburse a patient is a business one and not something that should be undertaken lightly. However before taking that step we recommend contacting our office for guidance.

To avoid a negative impact on your practice and hard to defend professional claims NDs

must be cognizant of the potential pitfalls that can occur in the ND/patient relationship. If you have any concerns, or if for any reason alarm bells sound in your head consider taking extra precautions i.e. have a third person attendant in the treatment room; document everything and contact our office for advice.

Summary: if you have any further questions please do not hesitate to contact Partners Indemnity Insurance Brokers Ltd at CAND@partnersindemity.com or phone 1-877-427-8683.

Written in partnership with CNA Canada and Canadian Association of Naturopathic Doctors.