

# PROFESSIONAL BEHAVIOR FOR HEALTHCARE PROFESSIONALS

Presented by:



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## **Today's Lecturers:**

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**Lance O. Leider, J.D.**


# OBJECTIVES

- Identify what it means to be a disruptive physician
  - Identify pitfalls of social media
  - Identify acceptable and unacceptable professional behavior
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# **DISRUPTIVE PHYSICIAN**




# DEFINITION

- Disruptive behavior consists of a pattern of behavior that interferes with the physician's effective clinical performance
  - Disruptive behaviors negatively impact the persons with whom the physician interacts
  - The behaviors include inappropriate anger or resentment, inappropriate words or actions, and inappropriate responses to patients' needs or staff requests
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# FOLLOW MEDICAL STAFF POLICIES

- Medical staff and hospitals develop behavioral standards
  - Bylaws define appropriate and disruptive behavior
  - Medical staff bylaws, policies and procedures should be consistent with hospitals' regulations, and with federal, state and local laws
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# HOW BEHAVIOR IS IDENTIFIED


- Patient complaints and surveys
  - Peer assessments
  - Reviews that utilize feedback from coworkers, including:
    - Physician peers
    - Nursing staff
    - Administrators
- 




# **YOU MIGHT BE A DISRUPTIVE PHYSICIAN IF...**



# YOU MIGHT BE A DISRUPTIVE PHYSICIAN IF YOU...

- Yell
  - Use foul and abusive language
  - Publically criticize coworkers
  - Insult or shame others
  - Slam, throw or break objects
  - Are physically aggressive
- 

# YOU MIGHT BE A DISRUPTIVE PHYSICIAN IF YOU...


- Use hostile avoidance or the “cold shoulder”
  - Intentionally miscommunicate
  - Are unavailable for professional matters
    - Not answering pages from certain people
  - Use implied threats
  - Use racial jokes or slurs
  - Joke about a person’s appearance
- 

# DISRUPTIVE PHYSICIANS


- Personality Traits

- Highly-skilled
- Well-read
- Intelligent
- Articulate
- High-achieving
- Confident


- Problem Traits

- Arrogant
  - Intimidating
  - Controlling
  - Vindictive
  - Failure to self correct
  - Entitled
- 


# IMPACT OF DISRUPTIVE PHYSICIANS IN THE WORKPLACE

- Lower staff morale
  - Increased turnover
  - Negative reputation of healthcare system
  - Poor patient satisfaction
  - Increased cost of care
  - Lawsuits
- 


# PERSONAL IMPACT OF BEING LABELED A DISRUPTIVE PHYSICIAN

- Being proven to be a disruptive physician may lead to:
    - Adverse action against clinical privileges resulting in a NPDB report
    - Action to drop the physician from insurance panels
    - Adverse action by the state medical board
    - Loss of specialty certification
- 

# IF YOU ARE TAGGED AS A DISRUPTIVE PHYSICIAN

- Educate yourself about the issue
  - Avoid conduct labeled as “disruptive behavior”
  - Seek professional counseling
  - Respond to the complaint, but do so with your attorney
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# FALSE ACCUSATIONS

- Bylaws should include a due process component
  - Complaints should not be considered without a complaint verification process
  - Bylaws should include an appeals process with an option for a fair hearing
- 



# **SOCIAL MEDIA**



# PHYSICIANS USING SOCIAL MEDIA


- 87% use social media for personal use
- 67% use social media for professional purposes
- 35% have received friend requests from patients or their family members




# USING SOCIAL MEDIA & SOCIAL NETWORKING IN MEDICAL PRACTICE

- Federation of State Medical Boards released “Model Policy Guidelines for the Appropriate Use of Social Media and Social Networking”


# PROFESSIONALISM

- Physicians should:
    - Use separate personal and professional social networking sites, profiles and e-mails
    - Report any unprofessional behavior to the proper authorities
    - Observe the same standards of ethical conduct online that would be observed offline
- 


# MEDICAL BOARD SANCTIONS AND DISCIPLINARY FINDINGS

- State medical boards have the authority to discipline for inappropriate online conduct, including:
    - Inappropriate communication with patients
    - Use of the internet for unprofessional behavior
    - Violations of patient confidentiality
    - Proof of impairment
- 


# MEDICAL BOARD SANCTIONS AND DISCIPLINARY FINDINGS

- Including:
    - Failure to reveal conflicts of interest
    - Derogatory remarks regarding a patient
    - Depiction of intoxication
    - Using discriminatory language or practices
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# INTERACTING WITH PATIENTS


- Physicians should refrain from interacting with past or current patients on personal social media sites
  - Never discuss information pertaining to the physician-patient relationship
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# PRIVACY/CONFIDENTIALITY


- Patient privacy and confidentiality must be protected at all times
  - Physicians can discuss their clinical experience but should refrain from including details that may identify a patient
- 




# DISCLOSURE

- Physicians may write online about their experience as healthcare professionals, but they must reveal existing conflicts of interest and be honest about their credentials as physicians
- 


# POSTING CONTENT

- Physicians must realize that any information they post online can be disseminated without their consent to a huge audience
  - Content can be taken out of context and will remain online forever
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# DISCUSSION OF MEDICINE ONLINE

- Physicians must ensure that information exchanged on these sites remains confidential
  - Physicians must ensure that non-physicians do not rely on the online discussion as medical advice
- 


# TIPS TO AVOID HIPAA VIOLATIONS IN SOCIAL MEDIA

- Don't talk about patients, even in general terms
    - “We had a fifty-year-old male in the ER last night with alcohol-induced liver disease.”
  - Do talk about conditions, treatments and research
- 


# TIPS TO AVOID HIPAA VIOLATIONS IN SOCIAL MEDIA

- Don't be anonymous
  - If you wouldn't say it in the elevator, don't put it online
  - Check the tone of your social media presence
    - Be careful when complaining or joking
- 


# TIPS TO AVOID HIPAA VIOLATIONS IN SOCIAL MEDIA

- Don't mix your personal and professional lives
    - Create separate professional pages
    - Don't friend patients
    - Check privacy settings
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# HIPAA LIST OF IDENTIFIERS


- Names
    - Including initials
  - All geographical subdivisions smaller than a state
  - All elements of dates (except year) for dates directly relating to an individual
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# HIPAA LIST OF IDENTIFIERS

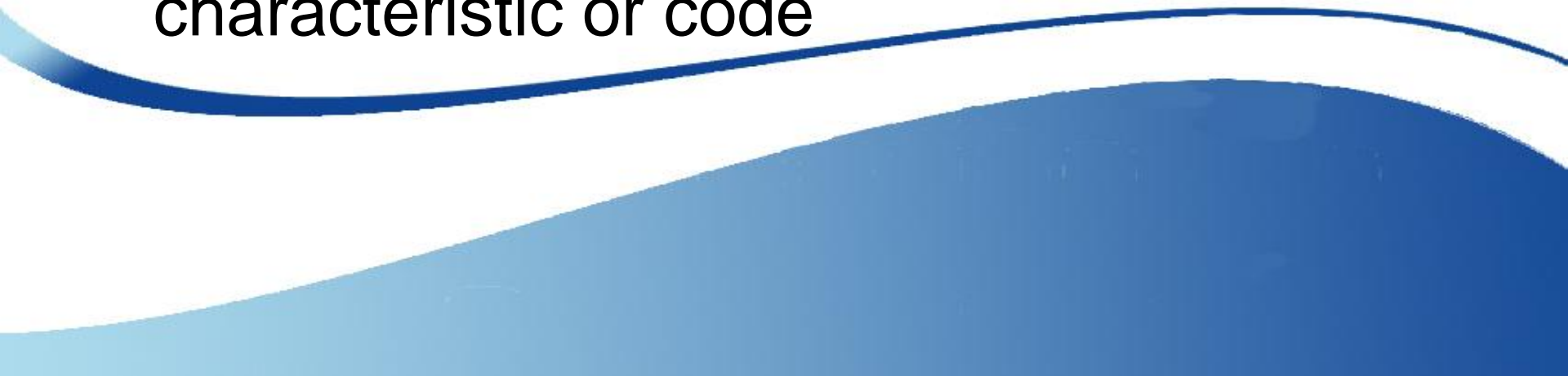
- Phone numbers
  - Fax numbers
  - E-mail addresses
  - Social Security numbers
  - Medical record numbers
- 



# HIPAA LIST OF IDENTIFIERS

- Health plan beneficiary numbers
  - Account numbers
  - Certificate/license numbers
  - Vehicle identifiers and serial numbers
  - Device identifiers and serial numbers
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# HIPAA LIST OF IDENTIFIERS

- Web Universal Resource Locators (URL)
  - IP address numbers
  - Biometric identifiers
  - Full face photographic images
  - Any other unique identifying number, characteristic or code
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# HIPAA VIOLATIONS

<b>HIPAA Violation</b>	<b>Minimum Penalty</b>	<b>Maximum Penalty</b>
Individual did not know (and by exercising reasonable diligence would not have known) that he/she violated HIPAA	\$100 per violation, with an annual max. of \$25,000 for repeat violations (Note: max. that can be imposed by State Attorney General regardless of the type of violation)	\$50,000 per violation, with an annual maximum of \$1.5 million
HIPAA violation due to reasonable cause and not due to willful neglect	\$1,000 per violation, with an annual maximum of \$100,000 for repeat violations	\$50,000 per violation, with an annual maximum of \$1.5 million
HIPAA violation due to willful neglect but violation is corrected within the required time period	\$10,000 per violation, with an annual maximum of \$250,000 for repeat violations	\$50,000 per violation, with an annual maximum of \$1.5 million
HIPAA violation is due to willful neglect and is not corrected	\$50,000 per violation, with an annual maximum of \$1.5 million	\$50,000 per violation, with an annual maximum of \$1.5 million

# HIPAA VIOLATION?

- Facebook post from a OB/GYN
  - “So I have a patient who has chosen to either no-show or be late (sometimes hours) for all of her prenatal visits, ultrasounds and NSTs. She is now 3 hours late for her induction. May I show up late to her delivery?”


# HIPAA VIOLATION?

- Facebook post about patient with nickname “Benz” because her name was Mercedes
  - Discussed diagnosis and treatment for oncoming physician
- 


# **PROFESSIONAL BEHAVIOR**



# ACCESSING RECORDS

- Do not access records of patients you are not seeing
    - Nurse fired for looking at Tiger Woods' medical records
  - EMR tracking
    - Current case involving stalking by physician who looked up demo information for address hundreds of times
- 

# BOUNDARY ISSUES

- Investment/business relationships
  - Reciprocal treatment agreements
  - Prescription exchanges
  - Treatment of friends and relatives in general
  - Inter-office dating
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**QUESTIONS?**

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