

Don't Be an Outlaw: Learn to Wrangle Malpractice Mysteries

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Poll Question #1:

Where are you in your career path?

- Student
- First Year Resident
- Second Year Resident
- Third Year Resident
- Post Graduate Fellow
- Practicing Physician



I am a Three-Year Trained Foot and Ankle Surgeon – Why am I Being Sued?

- You can still be sued EVEN if you were not negligent
- Definition of Malpractice
 - Where do bad outcomes/complications fit in?
- Our legal system – personal injury cases



Winning at Trial is NOT Just About the Medicine

- Venue
- Attorneys
- Experts
- Plaintiffs
- Defendants



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Poll Question #2:
What is the most common reason that leads a patient to
take action against a physician?

1. Poor surgical technique
2. Utilization of off-label instrumentation/medications
3. Lack of indication for surgery
4. Poor communication



Communication: The Key to NOT Being Sued

- 80% of Lawsuits involve a breakdown in communication
- 93% of Communication is NON-VERBAL
 - Body language
 - Tone of voice
 - Appropriate touch
 - Eye contact
- The risks of communicating via text and email



Patients are More Likely to Sue if...

- They feel rushed
- They perceive you or your staff as uncaring
- They perceive you are not listening – it's why you have two ears and one mouth!



Documentation: The Key to Your Defense

- If it isn't in the chart, it didn't happen
- FACT: A physician's documentation improves AFTER you have had a complication
- NEVER alter your records if you have been served or subpoenaed for a lawsuit



Poll Question #3:
What is the average age of a physician with a first
malpractice claim?

1. 30 years old
2. 40 years old
3. 50 years old
4. 60 years old



The Role of a Subsequent Treater

- The do's and don'ts of your role as a subsequent treater when the patient is not happy with their previous physician



Billing Disputes – a Gateway to Being Sued

- Dealing with patients who argue about paying their bill – especially when there has been less than satisfactory outcomes



Informed Consent

- Whose responsibility is it?
- What needs to be in informed consent?



Communicating Electronically – What's the Risk?

- Texting with Patients
- Emailing with Patients



Social Media: Friend or Foe?

- HIPAA Privacy and Security Issues
- Informed Consent for Social Media
- Separate your personal and professional social media footprints



Poll Question #4:
What is/are the best way(s) for a physician to establish
credibility in court of law:

1. Achieving board certification
2. Being involved in the community
3. Authoring articles/books
4. Graduating from a top notch residency program



Questions?



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