

Practice Management: Managing Office Staff

What's the Risk?

Medical professional liability (MPL) claims can stem from improper office staff management. For example, claims can arise from administrative issues, such as a lack of policies, protocols, and/or staff education. Organizational factors, such as a culture that exposes the organization to vulnerabilities, can result in a claim with significant indemnity.

Without systems that address responsibilities and what is expected of staff members, a practice may find itself embroiled in chaos that could potentially lead to claims and losses.

When Is This Risk an Issue?

There are several opportunities to reduce liability associated with managing staff members. Risk reduction can occur at an administrative level with written protocols, job descriptions, new employee orientation, ongoing training, and regular staff meetings. Attention to these administrative details can help create and sustain a culture that decreases organizational vulnerabilities.

Written Protocols and Job Descriptions

With written protocols and job descriptions in place, employees will know their responsibilities and what is expected of them. This decreases the likelihood that a staff member may feel unjustly wronged if discipline or termination becomes necessary. Without written protocols and job descriptions that address the responsibilities and expectations associated with the position, a practice may leave itself open not only to patient safety issues, but also to potential wrongful termination, discrimination, and other employment-related claims.

Including requisite credentials in job descriptions is helpful for defining which credentials must be validated prior to hiring. For more information on validating credentials, see [Credentialing](#).

Medical Assistants

Physicians are responsible for medical assistant (MA) practice in most states. It is important to realize that while physicians may delegate tasks to an MA, the physician retains the responsibility for the task in terms of legal liability. In many states, nurses are not permitted to supervise or delegate clinical care tasks to MAs. Physicians may unwittingly allow an MA to practice outside the scope of practice without a written job description based on state-specific regulations, education, training, or requisite experience. Written job descriptions for MAs can provide clarification as to scope of practice and expectations at the outset of employment.

Practice Management: Managing Office Staff

Subject to whatever state-specific laws and/or regulations may be in place, MAs might be permitted to perform the following clinical services under the supervision of a physician or other licensed healthcare provider:

- Measure and record vital signs.
- Record patient demographics and basic information about the presenting and previous conditions.
- Arrange examining room instruments and equipment.
- Change wound dressings and obtain wound cultures.
- Remove sutures or staples from superficial incisions or lacerations.
- Provide patient information and instructions.
- Provide a single dose of oral medication as ordered by the physician to a patient for immediate self-administration under observation.
- Administer medications topically, sublingually, and by injection.
- Prepare patients for examination, including draping, shaving, and disinfecting treatment sites.
- Collect blood specimens via capillary and venipuncture technique.
- Obtain specimens by noninvasive techniques, such as wound cultures.
- Perform simple point of care (waived) laboratory and screening tests, such as urinalysis.
- Call in prescription orders or refills to the pharmacy, but only as ordered and approved by the physician, nurse practitioner, or physician assistant.
- Prefill electronic prescriptions for the provider to review and send **if** there is a policy and procedure in place.

Subject to whatever state-specific laws and/or regulations may be in place, it is generally accepted that MAs may **not**:

- Independently perform telephone triage (MAs are not legally authorized to interpret data or diagnose symptoms).
- Inject medications into a vein (most states) unless permitted by state law.
- Start, flush, or discontinue IVs (most states) unless permitted by state law.
- Provide medical treatment and analyze or interpret test results.
- Make assessments or perform any kind of medical decision-making.
- Interpret blood or skin test results.
- Operate laser equipment.
- Practice medicine or nursing.
- Present themselves as nurses.

Practice Management: Managing Office Staff

Inappropriate care provided by MAs has resulted in malpractice liability for physicians, as well as medical licensing board actions.

A practitioner can be held vicariously liable for the professional actions of those individuals whose work is in some way controlled by the practitioner, such as professional staff members, unlicensed healthcare personnel, and support staff members.

Orientation and Training

Establishing a strong orientation process will help to ensure position-specific competency, set the standard of what is expected, ensure that staff members are capable of performing their duties, and help to avoid potential issues regarding job performance, patient safety, employee retention, and service disruption.

As part of the orientation and ongoing education process, it is important to verify competencies and to provide annual training in areas such as confidentiality, HIPAA privacy, compliance, and infection prevention activities. Without this, organizations may risk fines and penalties from regulatory agencies. For more information on competency verification, see [Vicarious Liability and Contracts](#). For more information on confidentiality and privacy, see [HIPAA Privacy](#). For more information on infection prevention, see [Infection Prevention](#).

Employee Handbooks

Employee handbooks offer a uniform and consistent method to communicate with new employees regarding workplace practices and policies. It can be an important defense when faced with employment-related claims.¹

Staff Meetings

Communication breakdown is one of the leading reasons for errors and unexpected outcomes. Implementing a process for regularly sharing information will help to improve communication, ensure that staff members are informed of new or revised policies, and allow for discussion, clarification, and/or resolution of concerns or issues.

Retention and Absenteeism

Managing retention, turnover, and absenteeism is needed to minimize service disruptions, negative impacts on working conditions, and the cost of hiring and training new employees. Key retention factors include attracting the right employees, preventing liability, and keeping employees healthy and committed to the practice.

Job Performance and Reviews

A standardized and defined employment review process, when used appropriately, can be valuable in maintaining and improving employee productivity and in recognizing and rewarding

Practice Management: Managing Office Staff

positive work performance. The review process provides organizations with opportunities to document employee deficiencies and identify areas for improvement. It can also provide valuable documentation for use in defending lawsuits brought by employees.

Establishing a strong review process will help to ensure and maintain position-specific competency, the standard of what is expected, and staff capability to perform their duties. This helps to avoid potential issues regarding job performance, patient safety, employee retention, and service disruption.

“Although no procedures will prevent a disgruntled employee from filing a lawsuit, an organization can minimize its potential liability”² by having established performance standards and policies in place and applying them consistently.

Employee Termination

Organizations must discipline employees and/or terminate their employment when justified. Policies should be implemented to protect the organization from claims of wrongful discharge, unlawful retaliation, and unlawful discrimination. Both federal and state statutes apply to employment practices, and organizations must adhere to the statutory protections of employees “in order to adequately protect employers and lessen the likelihood of potential claims.”²

How Can I Reduce Risk?

The following risk management recommendations are specific to managing office staff members.

Establish Written Standards	
Establish an employee handbook	<ul style="list-style-type: none">• Develop an employee handbook that explains established programs, benefits, and policies (e.g., work hours, confidentiality requirements, job performance evaluations, dress code, disciplinary actions, and reasons for termination). Inform all employees upon hire and as part of their orientation.• Distribute any revisions or amendments to all employees as needed.• Include a signature page on which the employee expressly acknowledges their receipt and understanding of its contents. Retain an original copy in the employee’s personnel file and give a copy to the employee.• Ensure that the practice follows the policies and procedures outlined in the handbook.

4

COPYRIGHTED

This manual is a publication of Coverys’ Risk Management Department. This information is intended to provide general guidelines for risk management. It is not intended and should not be construed as legal or medical advice. The contents may be used within your organization with your staff and physicians. These documents may not be reproduced or transmitted in any form or by any means, outside of your organization, without the written permission of Coverys.

Any links included in this document are being provided as a convenience and for informational purposes only; they are not intended and should not be construed as legal or medical advice. Coverys Risk Management bears no responsibility for the accuracy, legality or content of the external site or for that of subsequent links. Contact the external site for answers to questions regarding its content.

Updated: July 2019

Establish Written Standards

- Consider including a disclaimer that the handbook is not intended as an employee contract but as a means to inform the employee, and that the practice has the discretion to amend or revise any documents in the handbook as needed.

Manage Office Staff

Develop job descriptions

- Develop job descriptions for each staff member position in the office, whether the position is filled or vacant.
- Ensure job descriptions address the requirements for baseline credentials, education, training, and experience, as well as the position's functions, duties, and responsibilities.
- Ensure that staff members are performing at the level for which they have been trained and within their individual scope of practice.

Develop a detailed MA job description

- Develop a job description for MAs to include baseline credentials, education, training, required experience and/or certification, and state-specific scope of practice/functions.
- Identify who supervises the MA. In the absence of state-specific regulatory guidance, base the MA's scope of practice on education, demonstration of clinical competency, and the comfort level of the providers who are delegating clinical tasks to the MA.
- Include a statement in the job description that the job responsibilities are not necessarily limited to those listed, and additional responsibilities may be assigned based on physician approval and oversight.

Develop a process to ensure practitioner involvement in MA-only visits.

- Develop and implement a process to ensure practitioner involvement in MA-only visits. Be sure to check your state laws to determine whether your practice's physician assistants and nurse practitioners may delegate tasks to MAs, as many states do not allow it. Depending on your state's laws and/or regulations, MAs are typically allowed to perform the following clinical services under the

5

COPYRIGHTED

This manual is a publication of Coverys' Risk Management Department. This information is intended to provide general guidelines for risk management. It is not intended and should not be construed as legal or medical advice. The contents may be used within your organization with your staff and physicians. These documents may not be reproduced or transmitted in any form or by any means, outside of your organization, without the written permission of Coverys.

Any links included in this document are being provided as a convenience and for informational purposes only; they are not intended and should not be construed as legal or medical advice. Coverys Risk Management bears no responsibility for the accuracy, legality or content of the external site or for that of subsequent links. Contact the external site for answers to questions regarding its content.

Updated: July 2019

Manage Office Staff

supervision of a physician. Ensure that the process addresses:

- Patient-specific orders, e.g., the patient-specific order states the parameters for an acceptable blood pressure, and anything outside the parameters requires practitioner review and assessment prior to the patient leaving the office.
- Permissible types of MA-only visits (e.g., blood pressure check).
- Designated questions based on the type of visit (e.g., asking about current medications for a blood pressure check, about allergies if giving an injection, and about any new problems for other visits).
- Criteria for having a physician assess the patient (e.g., variation in the patient-specific order, patient presents with an additional problem).
- Situations or circumstances that fall out of the patient-specific order, or any new patient complaints requiring practitioner review and assessment.
- Documentation required by the MA.
- Process for timely practitioner review and plan for follow-up.
- Mechanism to ensure that MA-only visit activities fall within the MA's scope of practice. Consider using a flow sheet or algorithm to determine necessary physician involvement.

Orient employees

- Develop formal written orientation guidelines that pertain to all professional and support positions.
- Provide a general orientation to the practice's policies and procedures. Address at least the following during orientation:
 - Chain of command.

COPYRIGHTED

This manual is a publication of Coverys' Risk Management Department. This information is intended to provide general guidelines for risk management. It is not intended and should not be construed as legal or medical advice. The contents may be used within your organization with your staff and physicians. These documents may not be reproduced or transmitted in any form or by any means, outside of your organization, without the written permission of Coverys.

Any links included in this document are being provided as a convenience and for informational purposes only; they are not intended and should not be construed as legal or medical advice. Coverys Risk Management bears no responsibility for the accuracy, legality or content of the external site or for that of subsequent links. Contact the external site for answers to questions regarding its content.

Updated: July 2019

Manage Office Staff

- HIPAA Privacy Rule.
- Confidentiality policy.
- Standards of conduct.
- Patient complaint process.
- Compliance with regulatory mandates.
- General safety rules.
- Infection prevention procedures.
- Accident and incident reporting.
- Demonstration of competency with regard to the position-specific duties and responsibilities.
- Responding to emergencies.
- Individuals who have experience in the same or similar positions should mentor new staff members.
- Document the completion of each specific orientation element in the employee's personnel file.
- For more information, see [Practice Management: Policies and Procedures](#) and [Infection Prevention](#).

Schedule staff meetings

- Hold regularly scheduled staff meetings or huddles that include both professional and support staff members to discuss issues and problems that are particular to the practice.
- Prepare an agenda for each meeting, including staff member issues, patient care issues, and new or revised policies and/or procedures.
- Record and maintain meeting minutes or huddle notes for each meeting and have a process to disseminate the meeting minutes to staff members.

Evaluate performance

- Establish a standardized employment review process to be used for annual performance reviews.
- Address performance issues promptly. Develop a corrective action plan and monitor for improvement.

Manage Office Staff

Manage absenteeism and turnover

- Document performance issues consistently and provide direct feedback on areas needing improvement.
- Keep reviews and corrective actions confidential, disclosing such matters only to those individuals with a need to know.
- Recruit the right individual for the right job by carefully screening potential employees.
- Establish good employee programs and benefits.
- Ensure that staffing allows for both planned and unforeseen absences.

Develop employee termination policies

- Develop employment termination policies that address the following:
 - Consider fair employment laws when assessing decisions to terminate.
 - Ensure that legitimate reasons support those decisions.
 - Comprehensively document decisions and reasons.
- Consistently apply reasons for termination to all employees.

References:

1. Troyer GT, ed. Employment practices liability. In: *Business Risks*. 6th ed. San Francisco, CA: John Wiley & Sons, Inc.; 2011: 192-193. Carroll R, ed. *Risk Management Handbook for Healthcare Organizations*; vol 3.
2. Troyer GT, ed. *Business Risks*. 6th ed. San Francisco, CA: John Wiley & Sons, Inc.; 2011: 172. Carroll R, ed. *Risk Management Handbook for Healthcare Organizations*; vol 3.