



Dr. Machen leading a discussion on malpractice litigation at Duquesne University School of Law

## SELF-AUDIT KIT

Dr. Machen will spend about 30 minutes on the telephone with you and learn about your specific practice and your goals for the audit.

At Dr. Machen's direction, the RMC staff will assemble a kit from our inventory of audit components customized for your practice. Specifically, this audit will consist of the following components as well as a series of questions which the practitioner answers. The benefit of a professionally prepared self-audit is that the practitioner does not have to take the time to develop the questions. Many are answered either "yes" or "no" and reveal a pattern or trend in one or more areas that is away from the current standard of care. In addition to completion of the checklists; the procedures, forms, correspondence and protocols are closely evaluated for adherence to the well-accepted methods among practitioners of the same practice area.

Whether you develop your own self-audit, or are following a system developed by a professional, an objective evaluation is required. With the Professionally Prepared Risk Management Audit from RMC, you will also have an additional hour with Dr. Machen to discuss the results of the Self-Audit or any other risk management questions you may have.

A small segment of practitioners feel confident in their ability to objectively evaluate the many key drivers of negative patient comments and/or a lawsuit and determine their own individual risk probability. A constructive and effective self-audit will incorporate thoughtful and directed input from staff and other colleagues. It will require surveying past and present patients as well as some patients who presented for treatment but chose not to begin in the office. With this foundation, a clear picture begins to emerge about the risk characteristics of an orthodontic practice.

When this foundation is combined with a thorough review of the forms, patient and other practitioner correspondence, records and record-keeping practices, the diagnostic procedures, the treatment planning and informed consent protocols, as well as treatment progress monitoring, progress review protocols, pre-finishing and post-treatment procedures, the information that will be obtained will increase your the level of understanding with regard to the likelihood of negative patient comments and/or a professional negligence lawsuit. The steps for reducing or even eliminating the risk become clear, leading you to the implementation process which will be discussed later.

Answering the questions on the checklist can take as little as an hour or two if you are well-versed in the operation of your practice. Or, if not, it can take several days to complete and longer to analyze. For group practices, one practitioner should oversee the audit process but each group member should answer the checklist questions. The one who is overseeing then compiles these checklists and reviews them to determine what, if any, consensus has occurred. It is startling to see the results from groups of practitioners. It is often as they were practitioners in different practices! That is a signal that something could be in need of revision and might be a potential litigation exposure area.

The Professionally Prepared Self-Audit designed by Risk Management Consultants, LLC, starts with various checklists that walk the practitioner through a typical patient scenario, through each visit with emergent situations intended to stimulate common and unusual occurrences. The results of this exercise prepares the orthodontist and staff to understand the dynamics of each patient "encounter" and create procedures and protocols that will enable the entire office to function in an optimal manner. The practitioner is encouraged to assemble their own Audit Report that will provide plan of action for each encounter type. Understanding the basis for each patient/parent inquiry and for the specific questions that may arise enables the practitioner to better prepare for any patient presentation. With regard to new patients, this type of protocol allows the practitioner to determine when, and if, it is best to modify, defer or refuse treatment of a patient.

The following checklists along with others that RMC has created are used in a manner similar to a flowchart for the patient proceeding through treatment in your practice. The orthodontist will develop answers to questions in a manner that allows the diagnosis of obvious and not so obvious potential problem areas. The practitioner will evaluate each office encounter and the process may proceed in a manner similar to that which a patient would follow:

- First patient contact
- First office visit
- Medical and dental histories
- Clinical examination protocols and forms
- Survey of exam patients
- Diagnostic procedures and protocols
- Treatment planning procedures, protocols and forms
- Informed consent conference procedures, protocols and documentation
- Surveys of patients/parents not initiating treatment
- Conflict resolution is evaluated and analyzed at each stage
- Patient inter-personal relationships with practitioner, staff and other treating practitioners.
- Correspondence with patient and other treating practitioners
- Records and records management
- Treatment notes and documentation/correspondence
- Surveys of patient in active treatment, at each stage of treatment
- Mini-consultations
- Progress evaluations, reviews, communication and documentation
- Pre-finishing checklists, procedures and protocols Post-treatment protocols and procedures Surveys throughout and after treatment
- Doctor-staff interactions
- Staff-staff interactions
- Organizational architecture
- Incentive compensation State board compliance issues
- Malpractice insurance issues
- Negative patient comments
- Previous malpractice claims
- Previous requests for fees to be returned
- Previous complaints made to the practitioner and/or the professional boards
- Practice areas which may be associated with higher litigation risk
- And so many more.

The discipline derived from a Self Audit is invaluable and will allow the practitioner to periodically evaluate the practice and fine-tune any specific areas that will enhance the practice. The Self Audit is suggested for every orthodontist.