



Managing Telephone Liability Risks

Telephone communication is a lifeline in the physician office and is generally the first impression the patient has of the practice. When carelessly conducted, telephone communication can result in errors and misunderstandings which may lead to unhappy patients and malpractice claims. Once medical advice is offered on the phone, you can legally become the attending physician to a patient you have never seen. The manner in which your staff handles calls and how information is recorded are issues that can affect the outcome of a malpractice suit and whether one is even filed. Physician office staff should have written guidelines on how to handle urgent and routine calls. This is particularly important for non-licensed staff who may not be aware of medical decision making boundaries, nor hold a license which defines those practice parameters.

Important calls that do not receive the appropriate attention can increase a physician's exposure to an allegation of delayed treatment and increase the potential of an adverse event. All calls should be responded to within a reasonable amount of time. A reasonable amount of time is typically defined as the same day or within 24 hours. Patients should be given approximate times as to when to expect a return call from the physician or staff. Telephone calls that are not handled properly can negatively taint patient perceptions of your office.

We recommend you periodically monitor staff telephone communication performance to ensure they represent your practice in the manner you wish. Telephone etiquette can have a direct impact on patient satisfaction, and safety.

Many times physicians and staff forget to record information, conversations, and prescriptions given over the telephone. In general, telephone contacts usually are under documented. Disagreements about what was discussed during a telephone conversation can become a major problem in the event of an adverse outcome.

The information you received, the advice you give and any orders or medications prescribed should be immediately documented to avoid discrepancies about the information conveyed to the caller. Accurate and complete documentation of any phone calls or messages received during and after your normal hours of operation helps in the defense of a malpractice claim. The practice should have an organized, systematic method for documenting phone calls received from patients.

Documentation of telephone conversations should include:

- Date and Time of call
- Caller's name and relationship to the patient

- Problem or complaint as described by caller
- Disposition – advice given and by whom
- Caller’s response
- Staff signature or initials

Communication between providers can also affect patient safety. Physicians who take calls for other physicians should provide details or summaries of any discussions back to the office of the patient’s regular physician.

Tips to reduce liability associated with telephone calls include:

- Establish timeframes for responding to patient calls
- Train staff on protocols – training should be done on a regular basis
- Provide 24 hour access (answering service, medical exchange, or answering machine with instructions on what to do in case of emergency)
- Make sure there is a listing of emergency numbers near each phone
- Ensure there is sufficient number of telephone lines to accommodate your patients
- Always see the patient if you are in doubt
- Repeat instructions and ask the patient to recite them back
- Allow the caller time and opportunity to ask and answer questions
- Speak clearly and have the caller repeat the instructions back for verification
- Have staff do follow up calls, especially on patients whom you responded to after hours

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