



# **Top Calls in 2024-2025 to Copic's Risk Management Hotline- Legal and Risk Management Trends**

---

Eric Zacharias MD, Chief Medical Officer

Matt Groves, General Counsel

# Disclaimer

The material presented here is based on formal education and training, evidence-based research, COPIC recommendations, guidelines and best practices, and personal experience. This content of this lecture is by no means legal advice. Each provider assumes responsibility of the potential risks associated with each educational management procedure, and to remain updated on best practices for any patient related procedures.

Providers participating in any COPIC related workshop, do not hold COPIC or the physician instructor liable for any consequences of individual choices, and personal practice. All patient related outcomes are ultimately the responsibility of the provider.

# Financial Disclosures

“NONE OF THE PLANNERS, REVIEWERS, AND FACULTY FOR THIS EDUCATIONAL ACTIVITY, IN THE PAST 24 MONTHS, HAVE RELEVANT FINANCIAL RELATIONSHIPS TO DISCLOSE WITH INELIGIBLE COMPANIES WHOSE PRIMARY BUSINESS IS PRODUCING, MARKETING, SELLING, RESELLING, OR DISTRIBUTING HEALTHCARE PRODUCTS USED BY OR ON PATIENTS.”

- Planner/Faculty: **Eric Zacharias, MD**
- Reviewer: **Alan Lembitz, MD**

There is no commercial support for COPIC CME/CE activities. In accordance with the ACCME Standards for Integrity and Independence in Accredited Continuing Education, COPIC has implemented mechanisms, prior to the planning an implementation of this LIVE CME/CE activity, to identify and mitigate conflicts of interest for all individuals in a position to control the content of the CME/CE activity.

## Target Audience

This **LIVE** activity is designed to meet the educational needs of healthcare professionals who diagnose and treat patients including nurses, residents, student nurses, and physicians' assistants.

**For MDs & DOs the number of credits designated is the number of credits awarded**

COPIC is accredited by the Accreditation Council for Continuing Medical Education (ACCME) to provide continuing medical education for physicians.

COPIC designates this LIVE activity for a maximum of **1.0-hour AMA PRA Category 1 Credit(s)**<sup>™</sup>.

Physicians should claim only the credit commensurate with the extent of their participation in the activity.

# Process for Claiming Credit

In order to earn CME/CE credit learners should complete the evaluation questions that will assess if practitioners have learned the most important recommendations and conclusions from this course. Each LIVE CME activity consists of the full participation of the learner, and a course evaluation. The assessment/evaluation remain locked until the learning activity is completed.

**Process for Completing the Activity:**

1. Read the Financial Disclosures.
2. Read the target audience, learning objectives, and financial disclosures.
3. Complete the LIVE educational activity.
4. Complete the activity evaluation/assessment on COPIC's LMS platform.

It is estimated that this activity will take approximately **1.0 hours** to complete.

# Chronic Opioids- Taking on another provider's patients.



Do I have to?



Will I get “dinged?”

Copic

Medical Board or DEA



What does Copic say?



**What are the laws?**

# Mental Health- Finding a specialist.

- What if I can't find a specialist?
- What's my risk if I write medications?
- What if pt becomes suicidal?
- Other.



# Dismissal of Patient

- Do I have to take on a patient if I don't want to?
  - No
- Can I fire a disruptive or dangerous patient?
  - Yes, but. . . .
- What if patient has a medical issue?
  - ICU
  - Pregnant
  - Post-op
- Do I have to find them another provider?
- Can I fire someone who is
  - Disabled
  - Race, Religion



# Non-Compliant Patient

- Can I fire someone non-compliant with meds?
  - **Yes, but do it properly.**
  - **Each state has own rules**
- Will I get sued if pt is non-compliant and has bad outcome?
  - **Documentation = Defense**
- How do I document non-compliance

# Charting with AI



Should I get a consent if using AI tool do document?



What are rules around AI for charting, scribing?



What are rules in using AI for diagnostic assistance?



**Does Copic cover the use of AI?**



Can I use AI to answer patient questions?



# TREATING MINORS



Competence.....	2
Who Is a Minor?.....	2
A Parent's Rights and Duties .....	2
The Divorced Parent and Custody Disputes .....	2
Delegation of Parental Power.....	3
Confidentiality and Parents.....	3
Who Else Can Provide Consent? .....	3
Minors and HIPAA .....	4
When Can a Minor Consent to Medical Care Without Parental Consent?.....	4
A. Financial Independence.....	4
B. Marriage.....	4
C. Prenatal, Delivery, and Post-Delivery Care .....	4
D. Minors Who Are Parents .....	5
E. Contraception .....	5
F. Sexually Transmitted Infections, Including HIV.....	5
G. Substance Use .....	5
H. Youthful Offenders.....	5
Emergency Care and Treatment.....	6
Abortion .....	6
Sexual Offense.....	7
Child Abuse and Reporting.....	8
Electroconvulsive Therapy (ECT).....	8
Blood Donation .....	8
Mental Health and Minors.....	9
Psychotherapy Services .....	9

# Medication Errors

- We gave the patient a wrong dose, but they seem fine?
  - Do we document?
  - Do we tell?
- **YES!**



# Charting and Documentation

- Adverse outcome occurred, how do we chart
- We have new information- how to amend record?
- After fact realize incomplete, now what?
  - Consents
  - Progress notes
  - Procedure notes
  - **Recognize that all ex post facto charting will be attacked**



# Timely Completion of Notes

- We have a doctor who left (or just refuses) and multiple charts note completed, now what?
  - Always best to persuade
    - **Unprofessional- reporting**
    - Withhold money
  - How notify patients?
  - How alert future providers?
  - Billing?



# Disclosure Adverse Outcome

- How do I disclose an adverse outcome?
  - Discussions and scripting/practice
  - **Areas of Concern**
    - **Admissions**
    - **Incident Reporting to Copic**
    - **3R's**
    - **Candor**
    - **Atty**

# Semaglutides

- Can we prescribe semaglutides?
  - Scope of practice
  - Relationship
  - All aspects of care present
  - Consents
- Can we sell compounded semaglutides?



# Working with APPs

- Scope
- Collaboration
- Do I have to?
- What are my risks?
  - **Vicarious Liability**
  - **Negligent Hiring/Supervision**



# Ancillary Services and Supervision

- I want to get involved with:
  - Weight loss
  - Laser, aesthetics
  - Supervision
- **Policy Exclusions**



# I Have Concerns about a Provider

- Acute
- Impaired
- Return to work
- Duty to report
  - **Reporting Immunity**
- Applicant at another location



# An Attorney Just Called



- Just wants to talk
- I am not the target
- There is no lawsuit
- **NO – CALL COPIC**

# Social Media

- We just received Negative reviews
  - Reply to them?
    - **No**
  - Call patient?
    - **Probably, but depends**
  - Report them?
    - **No**





# Can Copic Give us Care Advice or Legal Advice?

- Use best professional judgment
- We are not able to give legal advice
  - **Identify Risk**
  - **Provide Referrals**
  - **Confer with GC**



# We are worried about ICE

- Do we have to let them in?
- What can we give them?
- What do they have to show?
- Public v. Private Space
- HIPAA Applies
- Warrant
- Subpoena



# Thank You! Questions?

Matt Groves and Eric Zacharias, [ezacharias@copic.com](mailto:ezacharias@copic.com)

