

## HI-103 Fundamentals of Law for Health Information Management

### Week 7 Case study

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Care One is a well-known medical practice that serves a rural community that does not have a hospital. The physicians must admit patients to a hospital in the next town that is 30 miles away. Dr. Caremore is one of the most well-respected and well-loved physicians in the community, and people feel he is the best physician in the community. Dr. Caremore has learned that sometimes he must exaggerate a patient's conditions in order for the patient to be admitted to the nearby hospital and he often times has his office staff call 911 in order to have patients transported from his office to the nearby hospital. He has told the nursing staff that he does this to try to make the patients appear sicker than they might be in hopes that the patient will meet the medical necessity requirements for admission. Dr. Caremore knows sometimes the patient's family needs a break from caring for the patient and a few days in the hospital is often a big help to family members. He does not want them to have to drive 30 miles away to the hospital to be sent back home.

You are the office manager for the practice and one of the nursing staff comes and reports the scenario to you.

What do you do?

**A: I actually encountered this before. I had a conversation with the provider regarding the abuse of his position. I understand the frustration on the part of the family, however this is wrong on so many levels. It costs the insurance companies thousands of dollars for unnecessary trips by ambulance and hospital stays. I have suggested that families look for alternative care for their loved one if the responsibility has overwhelmed them. The provider takes a huge risk with his practice, licensure and reputation. When this occurs, this is not the intention of practicing medicine and proper care of patients.**

Is this a problem?

**A: I think I covered this above, very big problem that continues. Also physicians and ER's should not be accepting these patients, and the same applies to EMT's.**

## Ethics Scenario

The Acme Medical Group is a provider for wellness and occupational medicine. Acme has contracts to do pre-employment physicals, OSHA screening and reviews and other drug and injury assessments for the local fire department. You have the current position of HIM and HR director at Acme Medical Group and are custodian of records for all of the testing and OSHA compliance. You have a HIM student intern for the summer and ask him to review the records and see if he can create a database to help monitor the exposure levels of the fire department workers to various chemicals. He discovers that some of the old data are unavailable and that one of the workers at Acme has gone back and created dummy files of old testing data. The student presents his findings to you at his exit conference.

1. What should the HIM director do?  
**A: First I would have to confirm if the allegations are correct. I would not act without just cause. I need to know all the facts. How do I know the student has done his part correctly, and how does he know that Acme has done this?**
2. What course of action should Acme Medical Group take?  
**A: Again, I would need to investigate by requesting and reviewing the data. You cannot jump to assumptions or decisions so precipitously. I will need to inquire to the Acme worker how this information was acquired.**
3. What are the potential liabilities for the HIM director?  
**A: If ignored, this could be a huge fine, loss of contracts and federal penalties, and probably termination.**
4. What are the potential liabilities for Acme Medical Group?  
**A: loss of contracts, federal and state penalties, closure of group.**

## Ethics Scenario

The medical center where you are the revenue cycle manager has a union that has primarily focused on the nurses; however, recently the union has been reaching out to non-clinical staff and there is rumor that the coding staff are being solicited by the union to join. The CFO at the facility, who is also your boss, calls you and asks that you reach out to some of the staff “as a friend” to see what they think about joining the union and try to persuade them not to join the union. He asks that you do this and report back to him next week. Your annual evaluation is also next week and you are not sure what to expect. Are there any ethical dilemmas in this situation?

**A: Anyone else would probably feel trapped in this situation. However, I would say “No” this is completely unethical and quite frankly I would be offended if I were asked to do something like that. I would say “with all due respect, I am not comfortable with**

**what you're asking me to do and my conscious cannot allow me to do it." If I felt my job depended on it, I would resign, because it's not a place I would want to associate with if that is how business is conducted.**