Avoiding Delays in Diagnosis

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Seeing the Patient

Seeing the Patient

Executing the Diagnostic Plan

Do I have to see him?

Do I have a duty to him?

Duty Owed

Duty Owed Duty Breached

Duty Owed Duty Breached Causation





Duty Owed Duty Breached Causation Damages











Simply being a physician does not create a duty.

Ethical

Ethical

Good Samaritan Laws



Ethical

Good Samaritan Laws

Duty to Rescue Laws

Simply being a physician does not create a duty.

A doctor-patient relationship creates the duty.

A doctor-patient relationship is formed when a doctor has contact with a patient.



Anytime



Anytime

In Person/Remotely



Anytime

In Person/Remotely

Via a third person



Anytime

In Person/Remotely

Via a third person

Independent of Payment

Kelley v. Middle Tennessee Emergency Physicians, P.C.

133 S.W.3d 587 (Tenn 2004)

Scheduling an Appointment?

Appointment plus records?

Triage?

TAKE HOME #1 Do not triage new patients.

"I'm sorry. We can't give you any advice or treatment until the doctor sees you."

Curbside Consult?

Legal Risks of "Curbside" Consults Cotton VR Am J Cardiol 2010; 106:135-8.

Not a Curbside



Not a Curbside

Formally interpreting studies



Not a Curbside

Formally interpreting studies

On call for ED (EMTALA)

Cover my practice?



TAKE HOME #2 When in doubt, see and/or take care of the patient.



Seeing the Patient

Executing the Diagnostic Plan



Seeing the Patient

Executing the Diagnostic Plan (Delivering the Standard of Care)

The Standard of Care

What a reasonable physician would do under the circumstances





64 yr old man MI 2009, DM, HTN, High Chol

64 yr old man MI 2009, DM, HTN, High Chol

Seen by PCP & Cardiologist

Calls PCP

Calls PCP

Recent Onset Knee Pain



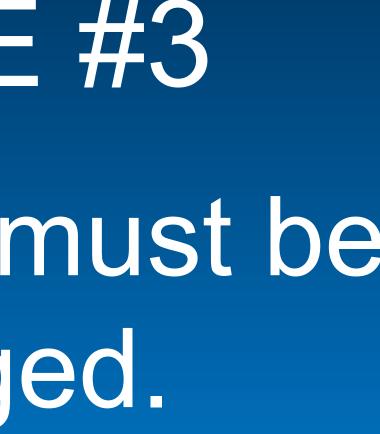
Calls PCP

Recent Onset Knee Pain

Triaged



TAKE HOME #3 Existing patients must be properly triaged.



Sig pain, No swelling or erythema

Sig pain, No swelling or erythema

X-Ray – Joint Space Narrowing

Sig pain, No swelling or erythema

X-Ray – Joint Space Narrowing

Pain Meds, Referred to Ortho

Is the PCP responsible for ensuring that the patient goes to the ortho appointment?

The Standard of Care

What a reasonable physician would do under the circumstances



Sig Pain, No swelling or erythema

X-Ray – Joint Space Narrowing

Pain Meds, Referred to Ortho

TAKE HOME #4 Make sure the patient knows his role.

"Diagnostic plan discussed with patient"

Next Day

Patient seen by Ortho



PCP, Cardiologist, Ortho

PCP, Cardiologist, Ortho

Co-Management

64 yr old man MI 2009, DM, HTN, High Chol, Knee Pain

TAKE HOME #5You must define your role.

64 yr old man MI 2009, DM, HTN, High Chol, Knee Pain

Decide to Scope Knee

Pre-op CXR



Pre-op CXR

1.5 cm lung nodule



Pre-op CXR

1.5 cm lung nodule

New from 18 months ago



Nodule appears benign

Nodule appears benign

Rx - Repeat CT 6 months

Nodule appears benign

Rx - Repeat CT 6 months

Report sent to Ortho

Who is responsible for follow-up of the lung nodule?

PCP & Cardiologist - MI, DM, HTN, High Chol

PCP & Cardiologist - MI, DM, HTN, High Chol

Ortho - Knee



PCP & Cardiologist - MI, DM, HTN, High Chol

Ortho - Knee

Lung Nodule





Is he your patient?

Do you have a duty to him?

The Standard of Care

What a reasonable physician would do under the circumstances

Ignore the nodule, it has nothing to do with his knee.

Someone else will probably find it very soon.

Option #2

You could do the follow-up.

Option #3

You could have his PCP do the follow-up.



Put it in writing to the PCP



Put it in writing to the PCP

Tell the patient



Put it in writing to the PCP

Tell the patient

Document what you did



TAKE HOME #6 You must clearly define, and regularly redefine, your role.

