

# Documentation and Liability: How What You Write Shows Up in Court



## Course Description

Using real examples from real lawsuits, this course will demonstrate how medical records are used in litigation and describe frequent charting deficiencies. Common sources of liability will be discussed along with tips for reducing exposure. Attendees will learn how to comply with regulatory requirements and defend themselves in malpractice suits or licensing board complaints. Common misconceptions regarding negligence suits, malpractice insurance and HIPAA will be discussed.

## Program Learning Outcomes

*This program prepares the learner to:*

- Describe the most common causes of action against nurses.
- Identify common documentation deficiencies.
- Distinguish HIPAA misconceptions from reality.
- Assess documentation practices within the context of malpractice liability or professional licensure requirements.

## Agenda

*Sign-in begins at 7:30 am.* The day includes a one-hour lunch (on your own), as well as a morning and afternoon break of 15 minutes each. The order of lectures presented and break times may vary according to speaker preference.

### 8:00 am to 4:30 pm

#### 0800 **Overview of Nursing Liability Issues**

Malpractice and Negligence: Distinction Between | Common Misconceptions and Reality | Reasons People Sue | Litigation Protection | Professional Liability Insurance | Affirmative Defenses | Elements of a Suit | Theories of Liability | Causes of Action

#### 1000 **Break**

#### 1015 **Affirmative Defenses**

Most Common Suits Involving Nurses: Medication Errors, Falls, Failure to Rescue

#### 1200 **Lunch**

#### 1300 **Professional Licensure**

Professional Misconduct/Unprofessional Conduct | Scope of Practice | Delegation/Supervision | Out-of-State Disciplinary Action (Reciprocal and Perpetual Jurisdiction) | Criminal Activity | Moral Fitness (Social Media) | Substance Abuse/Impairment | Unsafe Practice | Continuing Education Requirements | Mandated Reporting | Falsification of Medical/Business Records | Violation of Agreement/Settlement | Honesty in Application | Re-Registration | Fraud/Misrepresentation | Abandonment | DUI/Child Support/Taxes/Student Loans

#### **Documentation Essentials**

Dos and Do Nots | Common Documentation Problems in Lawsuit Defense | Records Used in Litigation/Licensure Defense | Documentation Styles | Abbreviations | Joint Commission and CMS Requirements | Care Plans

#### 1430 **Break**

#### 1445 **Electronic Documentation**

EMR/EHR Goals | Regulatory Requirements | HIPAA Misconceptions | Penalties | Email and Fax | EMTALA

#### **Documentation Pitfalls to Avoid**

Telephone "Verbal" Orders | Discharge Documentation | Resuscitation Records | Skin Care | Specimens | Medication Administration | Pain Management | Consent | AMA and Elopement | Non-Compliant Patients

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- 1530 **Response to Error and Culture of Safety**  
Case Studies and Examples | Documentation Misadventures | References and Resources
- 1545 **Q & A Session | Discussion**
- 1600 **Adjourn**

## Accreditation

### RN/LPN: 6.5 Contact Hours

Med-Ed, Inc. is accredited as a provider of continuing nursing education by the American Nurses Credentialing Center's Commission on Accreditation.

Med-Ed, Inc. is an approved provider by the following State Boards of Nursing: **Florida**/FBN 3215, **Iowa**/296, **California** #CEP10453.

If your profession is not listed we suggest contacting your board to determine your continuing education requirements and ask about reciprocal approval. Many boards will approve this seminar based on the accreditation of the boards listed here.

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