

**SPECIAL REPORT**



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## USING MEDICAL CHAPERONES TO CREATE A SAFER PATIENT EXPERIENCE

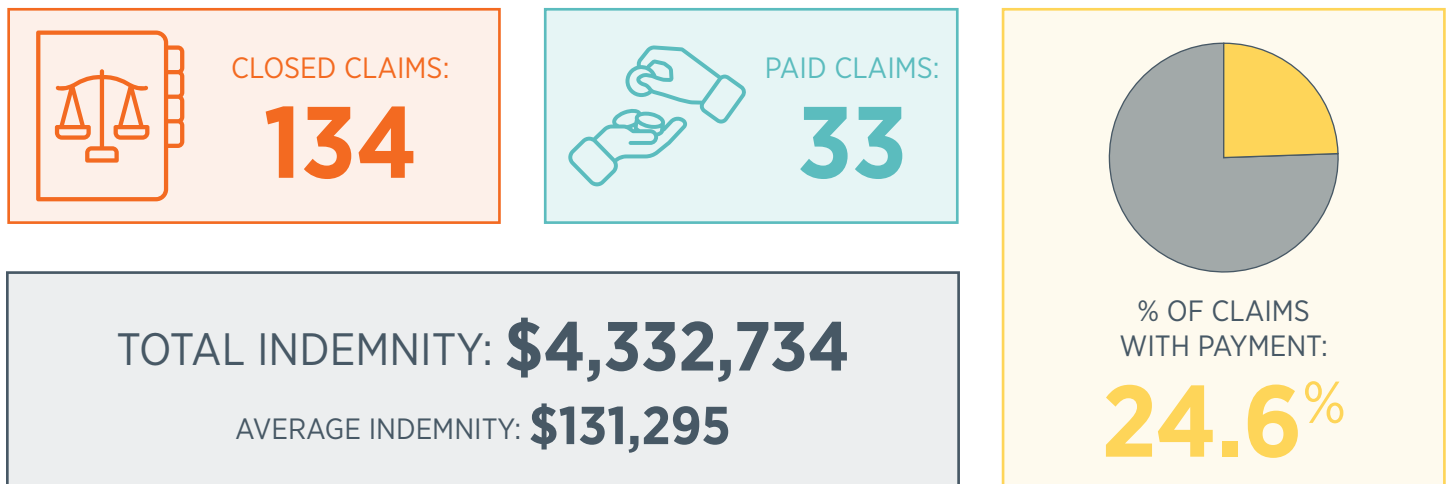
The healthcare setting often involves sensitive and intimate exams that present challenges other businesses don't face. Medical chaperones can help provide a level of comfort for patients and may help ensure the best possible experience for patients and providers alike. In so doing, the likelihood of a sexual misconduct allegation based on a misunderstanding is greatly reduced.<sup>1</sup>

# SEXUAL HARASSMENT A RISK FOR BOTH PATIENT & PHYSICIAN



Efforts to provide a comfortable and considerate atmosphere for the patient and the physician are part of respecting patients' dignity. These efforts... include having chaperones available." (AMA Code of Medical Ethics)<sup>2</sup>

## CLAIMS INVOLVING IMPROPER SEXUAL CONDUCT BY A PHYSICIAN, 2006-2015<sup>3</sup>



## MAINTAINING APPROPRIATE PHYSICIAN-PATIENT BOUNDARIES IS CRITICAL



**27%** of physicians said they had been sexually harassed by a patient<sup>4</sup>

### How do physicians respond to sexually harassing behavior of patients?<sup>4</sup>

SITUATION	FEMALE PHYSICIANS	MALE PHYSICIANS
Saying no/telling the patient to stop	62%	29%
No longer being alone with the patient	51%	61%
Dismissing the patient from the practice	11%	6%
Other (including ignoring the behavior)	17%	17%

## BEST PRACTICES: UTILIZING MEDICAL CHAPERONES TO HELP ENSURE A SAFE AND COMFORTABLE CLINICAL ENCOUNTER

Physical touch and discussion of sensitive health conditions are a routine part of the physician-patient encounter. A medical chaperone is a member of the healthcare team present (with patient consent) during the physician-patient encounter who can help reassure or comfort patients during examinations, thereby reducing the likelihood of an allegation of sexual misconduct that's based on a misunderstanding.<sup>1</sup>

### ***Medical chaperones should:***<sup>1</sup>

- ✓ Be actively engaged in witnessing the exam
- ✓ Be sensitive and respect the patient's dignity and confidentiality
- ✓ Reassure the patient if necessary
- ✓ Be familiar with the procedure being performed
- ✓ Be in a position to observe what the physician is doing and saying to the patient
- ✓ Be prepared to raise concerns about the physician's behavior or actions

### RISK MANAGEMENT RECOMMENDATIONS: MEDICAL CHAPERONES<sup>1</sup>

- » Educate patients about the reasons and methods for the examination, especially for sensitive and intimate exams.
- » Create a comfortable environment for patients undergoing sensitive or intimate examinations.
- » If a patient exhibits inappropriate behavior, respond immediately by setting proper boundaries to prevent misunderstandings. Document the patient's behavior and your response.
- » Develop a chaperone policy to guide staff in determining which patient encounters should involve the use of a chaperone and ensure that all providers and staff are aware of the policy.
  - ◆ Provide training to ensure that chaperones understand and can perform their responsibilities.
  - ◆ Discourage the use of family members as chaperones.
  - ◆ Offer a separate opportunity for private physician/patient conversation.
  - ◆ Document the chaperone's presence during the exam, including full name and job title.
  - ◆ Identify situations when an examination can take place without a chaperone if a patient refuses one and when alternative arrangements are needed.

***If a patient exhibits actions or statements that cause concern regarding sexual misconduct, contact your attorney or professional liability carrier immediately for advice.***

This report is presented as a courtesy by NORCAL Insurance Company. Our Risk Management Specialists are always ready to help policyholders with risk issues and to support practice changes that lower risk and improve patient safety.

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