

## Reporting Another Health Care Practitioner

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Recently, a young male patient asked for a few minutes of private conversation with me. He was seriously injured at work, suffering disabling headaches and hadn't worked for two years. He also got inadequate care from MDs (they had him on 23 drugs) and had an attorney who wasn't really fighting for him.

When he spoke to me, he was visibly uncomfortable, avoided eye contact and was reluctant to tell me all the details, but he had received a disturbing call from another practitioner and wanted to talk about it. He had seen the person for a consultation a few months previously. The patient reported that the person did a lot of chanting, had religious icons all over the office and left to get coffee while the patient was in the clinic. The patient and his wife felt extremely uneasy, left without paying for the visit and were referred to me by a neighbor soon after. Of course, this experience made the patient very untrusting of acupuncture, and we had to talk through his concerns when he began with me.

What the patient reported was quite alarming. The practitioner had called him at home the evening before his last visit with me, asking why he had not come back for acupuncture. The patient said he had chosen to see me for acupuncture because he had heard good things about me. The patient reported that the clinician then said that I "had been with a woman before [sexually]," that I charged too much and that he was a much better acupuncturist than me and that "he could beat [me] anytime [at acupuncture]." These are the patient's words in quotes.

My first decision was to choose how to respond at that moment to what the patient said. I said, "Wow, that must have upset you." The patient was relieved and agreed. I then said, "It seems like that might have made you question your treatment with me. Of course, my personal life is really none of anyone's business." He agreed. Then I said, "I'm really sorry you had to go through that." The client said, "That person must be really crazy to say all those terrible things about you. Why do you think he would do that?" I replied, "I don't know, but it seems like it made you feel pretty uncomfortable, and I just want to help you as much as I can."

The next decision was what to do as far as reporting the practitioner to his board. This is the thing that I most want to emphasize in this piece. My thinking is that it is my duty to protect the public from a practitioner who does these kinds of things. This is a very vulnerable patient who already has been hurt in many ways and needs a lot of support. Additionally, I was concerned that this may just be an indication of other things that the practitioner was doing and wanted to be sure that the appropriate action is taken by the board.

The field of health care is complex, as we all know. Part of the system that we don't think about very often is the checks and balances that exist to keep the public safe, and to keep the professional practice of acupuncture up to professional standards. This comes in the form of regulating agencies such as our state boards, the NCCAOM, the acupuncture school accreditation commission, the insurance companies and PPOs, the insurance regulating bodies, the department of public health, and so on. This complex web of agencies may seem like the "bad guy" when we are

being investigated or reprimanded, but they are essential to maintain the high standards of the profession and protect our patients. In countries where no such regulating bodies exist, patients have no assurance that the providers are practicing the safest medicine.

Of course, each of us believes we are doing the best thing for the patient at all times. However, our judgment is skewed by many factors from time to time, and we might just take an action that is not in the patient's best interest. Unfortunately, any of us might find ourselves there, having made a simple mistake or an error in judgment. It is especially easy to have something happen when we are very busy in the clinic, or when we are stressed or fatigued.

I have heard patients say things like "they just cover up for each other," meaning doctors try to keep each other out of trouble with their boards and malpractice issues. I also have had conversations with other health care practitioners in which we agreed that it can be very tough to report a colleague for fear of retaliation or other negative consequences. It is especially hard to report another practitioner when we are not sure whether we ourselves are completely free of unethical behaviors. We seem to have an innate fear of getting boards involved in investigating because we don't want the same board to come after us in the process. We also are concerned about bringing an investigator into the mix, because it can be so disturbing to everyone involved. It was hard for me to do, but I made a formal report. Friends have suggested I should sue him for slander, or at least have my attorney send him a letter notifying him of my concerns. At this point, I am happy with reporting to the board.

The most difficult aspect of reporting this situation is that it might impact my ability to continue to help this patient. This fellow is very much of a "don't rock the boat" type, and he will undoubtedly be asked to tell his experience to an investigator. I will prepare him for that process as best I can. I plan to explain to him that we need to protect other people from this practitioner who has poor judgment, and I think he will agree. I just hope that he will not feel that I have betrayed him and will stay in treatment. I am hoping he will feel that his action helped protect the public from possible inappropriate activities on the part of the other practitioner. If the patient quits treatment because of his discomfort with the situation, that practitioner will have successfully undermined that patient's recovery.

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