Preparation for New Risk Managers and Peer Reviewers

Determining the SOC Within the KS State Risk Management Regulations

Part 4 of a 5-Part Series

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Preparation for New Risk Managers and Peer Reviewers

Part 1: Introduction to Incident Investigations

Part 2: Initiating an Incident Investigation

Part 3: Incident Investigation Documentation

Part 4: Determining the SOC within the KS State Risk Management Regulations

Part 5: Creating a Plan of Corrective Action for the Incident

The Concept of the Standard of Care

Standard of Care Determinations

Statutes

- Scope of Practice/Practice Act

Practice Guidelines

Legal Cases

Community Standards

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The Concept of the Standard of Care

The Concept of the Standard of Care

Definition of the Standard of Care

“A healthcare provider owes a duty of care to his or her patients to conform to certain standards of reasonable medical care.”

“Generally, a healthcare provider standard of care is measured by the degree of care and skill possessed by other healthcare providers within the same or similar circumstances.”

(ASHRM, 2011)

ASHRM
AMERICAN SOCIETY FOR HEALTH CARE RISK MANAGEMENT

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Community Standards

“Similar Locality Rule”

- “The standard for the adequate level of care rendered by a healthcare provider within the provider’s community (geographic).” *(ASHRM, 2011)*
- Eroding concept *(PIK, Civil 4th, 2012)*

Specialized Healthcare Providers

- Higher standards
- Universal standards
- General provider acting in a specialty field

The Concept of the Standard of Care

The Level of the Standard of Care - KARQM

Kansas Association of Risk and Quality Managers (KARQM)

- An Involved Provider(s) to which a SOC is assigned is the person, provider, individual, or entity who caused the event, committed the error or had the potential to significantly impact the outcome of the event.
- (Please note that the results of investigations regarding whether the event was preventable and whether facility policies were followed will impact the SOC assigned.)

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The Level of the Standard of Care - KARQM

Kansas Association of Risk and Quality Managers (KARQM)

- The person who did not make the error or cause the event but discovers and reports the error/event is generally assigned an SOC 1. - They did what they were supposed to do. Possible exceptions include - if this person's action had the potential to significantly impact the outcome

The Concept of the Standard of Care

The Level of the Standard of Care - KDHE

Kansas Department of Health & Environment (KDHE)

- **SOC Level 1 Standards of Care –** Met
  - Standards of care met, even if an injury occurred to the patient. Care provided met the standards of care. Policies, if applicable, were followed.

The Concept of the Standard of Care

The Level of the Standard of Care - KDHE

Kansas Department of Health & Environment (KDHE)

- **SOC Level 2 Standards of Care –** Not Met, But With No Reasonable Probability of Causing Injury
  - No reasonable **probability** means "may be possible, but is not probable"
  - **Injury** is defined to mean *"an incident that requires significant medical intervention, or causes disability or death"*
    - Significant medical intervention may include a more intensive level of care, surgical intervention, significant change in medications and/or increased length of stay due to unexpected additional diagnostic or treatment measures

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The Level of the Standard of Care - KDHE

Kansas Department of Health & Environment (KDHE)

- **SOC Level 3 Standards of Care –** Not Met, With Injury Occurring or Reasonably Probable
  - A **reportable** standard of care not met means “a deviation from the standard of care that has a known and direct adverse outcome/impact on patient care and causes injury or there is a reasonable probability (more likely than not) of causing injury to that patient.”

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The Level of the Standard of Care - KDHE

Kansas Department of Health & Environment (KDHE)

- **SOC Level 4 Standards of Care –** Not Met, With Possible Grounds for Disciplinary Action by the Appropriate Licensing Agency
  - A **reportable incident** with possible grounds for disciplinary action by the appropriate licensing agency
    - Note that this applies to licensed healthcare professionals and those who report to a governing board: Healing Arts, Nursing, Pharmacy, Emergency Services
    - May be limited for certified healthcare personnel such as PCT, CNA, CMA, etc.
    - Know which board governs

The Concept of the Standard of Care

Error and Harm Parameters

	Result
No Error	Circumstances had the capacity for error
Error/ No Harm	Error did not reach the patient
Error / No Harm	Error reached the patient, but didn't cause harm
Error / Harm	Error contributed to, or resulted in, temporary harm – and required intervention
Error / Harm	Error contributed to, or resulted in, temporary harm – needing initial or prolonged hospitalization
Error / Harm	Error contributed to, or resulted in, permanent harm
Error / Harm	Error required intervention necessary to sustain life
Death	Error contributed to, or resulted in, the patient's death

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Determining the SOC within the KS State Risk Management Regulations

Key Takeaways

- Go to the licensing sites to get the practice act for scope of practice, they change – sometimes without announcements
- Make sure to determine between the **possibility** of harm and the **probability** of harm.
- Take the time to understand SOC 3 involves adverse outcomes in patient care and SOC 4 involves conduct of the licensee that may affect patient care

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Questions?

Feel Free to Reach Out

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Up Next

Part 5: Creating a Plan of Corrective Action for the Incident

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