Editor’s Note
To continue providing safe, effective patient care, the healthcare industry is constantly transforming. It’s up to healthcare professionals to stay current on frequently evolving elements such as your facility’s policies and procedures, and services to new patient populations. The articles included in this issue outline topics related to potential healthcare changes and how to best handle the new situations your staff will likely encounter.

Healthcare Providers Service Organization
Risk Advisor for Healthcare Business Owners

Health literacy: A good business decision

On Monday morning, your upbeat mood turns sour when you hear that a family wants to sue one of your employees—and the facility you own. An injured client claims he wasn’t told how to properly avoid aggravating his injury. Your employee remembers explaining how to care for the injury, giving the client a handout, and hearing the client say “no” when she asked, “Do you have any questions?” What happened in this situation?

The answer is that like many healthcare providers, the employee probably overestimated the client’s health literacy. According to a 2003 report from the Department of Health and Human Services (the most recent available data), only 12 percent of U.S. adults have “proficient” health literacy, meaning they can understand and use health information effectively, and more than a third have only a basic or below basic level. That translates into millions of people in the United States who don’t understand vital health information that’s given to them.

Such lack of knowledge can be deadly. A 2011 report from the Agency for Healthcare Research and Quality found that low health literacy is linked to poorer health status and a higher risk of death. It can also result in communication failures that lead to adverse events and end up in a courtroom. Changing this paradigm requires understanding the issue and having resources available for your staff so they can help ensure comprehension.

The value of health literacy
Clients have to understand instructions to manage their own care and improve outcomes, so health literacy plays a vital role in healthcare. Three 2010 initiatives recognize this important role—The Affordable Care Act, the National Action Plan to Improve Health Literacy from the Department of Health and Human Services, and the Plain Writing Act. Effective July 1, 2012, The Joint Commission’s new standards on patient-centered communication also includes guidelines on health literacy.

The current healthcare environment is a place where healthcare professionals—and their employers—are held accountable for meeting their clients’ health literacy needs. Legislation, facility policies, and standards of practice could be cited in litigation involving mishaps related to a client’s taking incorrect action (or failing to take action) because he or she didn’t understand education information.

As a business owner, you want you provide excellent outcomes and keep yourself out of court. To do that, it’s important your employees have what they need to effectively do their jobs.

Boosting client understanding
No one can tell a client’s health literacy by looking at him or her. However, in this busy world of healthcare, there is little time to conduct a formal assessment. That’s why the North Carolina Program on Health Literacy (NCPHL) developed the Health Literacy Universal Precautions Toolkit, available as a free download at www.nchealthliteracy.org/toolkit. The toolkit includes steps that healthcare providers and business owners can easily implement in their practice.

NCPHL is also a good resource for information you can give your staff about “teach-back.” If asked, “Do you understand?” after receiving health information, most clients will say yes rather than admit their lack of knowledge. “Teach-back” is a powerful method
that ensures a client truly comprehends what you have said. In this method, the healthcare provider asks the client to “teach” them the information. For example, a physical therapist might say to a client starting a new exercise, “I want to be sure that I explained this correctly. Can you show me the exercise?”

Teach-back can help you ensure that clients understand the information they receive, so they are more likely to adhere to instructions, thus reducing the likelihood of complications and a possible lawsuit.

Several simple strategies can help your employees address health literacy with clients. See Strategies for addressing health literacy for a list that you can give your staff.

Boosting staff understanding

Don’t assume that because they work in a healthcare setting, your staff has a high level of health literacy. Even health professionals often have insufficient health literacy in areas outside their expertise. Helping administrative assistants and coordinators to improve their health literacy will increase their ability to communicate with staff and clients and to document and code correctly. This establishes an environment where errors are less likely, reducing chances of litigation lawsuit. In essence, your goal is to create an organization that values health literacy for both clients and staff.

RESOURCES


Strategies for addressing health literacy

Don’t assume you know a client’s health literacy level. Use these strategies to achieve effective communication:

• Ask the client how he or she prefers to receive information (by reading, hearing, or seeing).
• Avoid medical jargon, speak in simple terminology, and limit information to two or three key points that the client needs to know.
• Instead of asking “Do you have any questions?”, ask, “What questions do you have?”

Employees must document what they do in the client’s medical record. This documentation should include specifics such as communication methods used and the client’s responses, instead of a generic phrase such as “education given.” For instance, in the case of exercises, a physical therapist would want to include the name of the handout she gave, the use of return demonstration to verify the patient’s understanding, and the ability of the patient to complete the demonstration satisfactorily.

How to determine if your business is health literate

An Institute of Medicine workgroup developed 10 “Attributes of a Health-Literate Organization” that you can use to assess your business. A health-literate business:

• Has leadership that makes health literacy integral to its mission, structure, and operations.
• Integrates health literacy into planning, evaluation measures, patient safety, and quality improvement.
• Prepares the workforce to be health literate and monitors progress.
• Includes populations served in the design, implementation, and evaluation of health information and services.
• Meets needs of populations with a range of health literacy skills while avoiding stigmatization.
• Uses health literacy started in interpersonal communication and confirms understanding at all points of contact.
• Provides easy access to health information and services and navigation assistance.
• Designs and distributes print, audiovisual, and social media that is easy to understand and act on.
• Addresses health literacy in high-risk situations, including care transitions and communication about medicines.
• Communicates clearly what health plans cover and what individuals will have to pay for services.

A diverse group of people call the United States home, so businesses routinely encounter patients of different cultures as they provide services. But are you confident that your staff knows how to meet varied cultural needs? Is your business welcoming to employees and customers from different cultures? Being able to answer yes to these questions is essential not only for financial success but to avoid a lawsuit. For example, if you are found to discriminate against people of a particular culture, you could sued or receive stiff fines. Before addressing those issues, it’s first important to understand a few terms.

What is cultural competence?
According to the U.S. Office of Minority Health (OMH), culture refers to patterns of behavior of racial, ethnic, religious, or social groups. Cultural competence is the ability to meet the needs of diverse client populations so that delivered healthcare is safe and equitable. The National Quality Forum (NQF) says culturally competent care tries to eliminate misunderstandings and improve patient adherence with treatments.

OMH notes that cultural competence is essential for closing the disparities gaps in healthcare because cultural and language can affect someone’s beliefs about health, disease, and the behaviors that lead to both.

The value of cultural competence
Being respectful of—and responsive to—individ-uals’ cultural perspectives ensures more effective communication, improving outcomes and reduc-

What you need to know about integrating cultural competence into care
The best way to understand a client’s cultural needs is to simply ask. One general question that might be helpful is, “Are there any cultural, religious, or spiritual beliefs that might influence your care?”

Below are examples of action steps you should share with your staff to help clients and avoid the possibility of being sued. In each case, the most important point is to provide options that are acceptable to the client.
• Identify if the client has cultural-based modesty issues about care provided by staff of the opposite sex.
• Determine if there are certain garments or items that the client needs to wear while being treated.
• Collaborate with clients and families to develop solutions to requests that can’t be met.
• Provide education materials in the client’s preferred language and have translators available. This is especially important in the case of informed consent so clients understand what they are signing.
• Document communication strategies and patient responses in the client’s medical record, along with any accommodations that you make.

Is your organization healthy?
Consider the following questions to determine if your business is culturally competent.
• Does your staff know you are committed to cultural competence for yourself and them?
• Do your business policies reflect the needs of various cultures?
• Do your intake forms collect data related to culture?
• Do you have a system in place for interpreter services?
• Have you analyzed the cultural background of your current clients and the culture of the community you serve?
• Have you analyzed feedback from your clients for any issues related to cultural needs not being met?
• Do you try to recruit employees from a diverse group?
• Do you offer education programs on cultural competence to your staff?

Answering yes to these questions indicates you have a “healthy” organization. If you answered no to any question, take action to improve. For instance, by knowing the primary languages spoken by the community you serve, you can ensure you have appropriate client education materials available before they are needed.
ing the risk of errors that could turn into adverse events. Many healthcare associations and agencies now recognize that cultural competence is essential for healthcare providers. The Joint Commission (TJC) recognizes the importance of client-centered communication with its new standards, effective July 1, 2012, which address cultural competency. (For more information about the standards, read Appendix C in *Advancing Effective Communication, Cultural Competence, and Patient-and Family-Centered Care: A Roadmap for Hospitals*, available online at www.jointcommission.org/Advancing_Effective_Communication.) Several other laws and regulations are applicable including Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act (ADA), enacted in 1990. In addition, most professional associations have standards or guidelines that address the importance of cultural competence. Failure to meet regulatory, legal, and professional guidelines could result in a lawsuit for a staff member or your business.

**Developing cultural competence**

When trying to build your staff’s cultural competence, remember that it’s important to avoid stereotyping. Culture is just one factor that shapes us; others include environment, socioeconomic status, genetics, and psychological factors. All these factors shape different people in different ways.

The first place to start is to assess your own competence. One useful online resource is the Cultural Competence Health Practitioner Assessment, which you can access on the National Center for Cultural Competence (NCCC) website at http://nccc.georgetown.edu/features/CCHPA.html. This is also a tool your staff can use.

The next step is education. Appendix E in TJC’s *Advancing Effective Communication, Cultural Competence, and Patient-and Family-Centered Care: A Roadmap for Hospitals* contains a comprehensive list of resources for cultural competency training that are useful in small businesses, too.

Be sure to educate staff on your organization’s policies related to cultural competence, which should reflect legal and regulatory guidelines. Remind staff of the importance of their adherence to these policies and professional standards; in cases of legal action, attorneys will examine whether staff followed established guidelines. Remember that lack of knowledge is no excuse in a court case.

**Meeting patients’ cultural needs in practice**

Help staff understand that instead of assuming they know a client’s cultural beliefs, ask. For more strategies, see *What you need to know about integrating cultural competence into care*.

Be sure staff have what they need to integrate cultural needs into the plan of care and that they know to document what they did in
the client’s medical record. Suggest they flag any key information through use of stickers or other techniques to ensure other staff are aware of a client’s cultural needs.

Staff also need to have education resources available in different languages and access to expert interpreters—not the client’s friends or families—when there is a language barrier. Forms that clients complete should be available in multiple languages.

**Multicultural equals organization success**

To ensure you understand the cultural background of your clients, you can add assessment questions to the forms they complete. In addition, determine common cultures in the community you serve by examining population statistics available from sources such as the government (U.S. Census Bureau, voter registration records, and the public health department).

Of course, it’s not only clients who have varying cultural beliefs; your employees may be from a diverse background of cultures. Be considerate of dietary needs or other cultural beliefs when planning celebrations. For example, you would not want to plan a staff luncheon when some staff may be fasting for religious reasons.

**Ongoing learning**

One of the NQF’s guiding principles of cultural competency is that it should be an ongoing process. It’s important that you update your knowledge and your staff members’ knowledge on a regular basis. Doing so will help ensure clients receive the care they need, help you avoid a day in court, and contribute to your business success.

**RESOURCES**


**Is your staff consulting, teaching, or training?**

Your professional liability insurance policy provides coverage for medical incidents that result in injury or damage. But, losses that arise from staff providing services on behalf of your healthcare business such as consulting, teaching, or training activities, or through expert testimony, would not typically be covered by your professional liability insurance policy. For only $25 per employee, the Consulting Services Liability Endorsement can be added to your professional liability insurance policy. Contact HPSO at 1-888-288-3534, Monday through Friday, 8 am to 6 pm, EST.
Nurse & physical therapy claim reports help practitioners understand their liability risks

As part of our ongoing risk management activities, we want to make you aware of our newly released nursing and physical therapy malpractice resources. NSO and HPSO, in collaboration with our insurance underwriting partner CNA, developed the reports. You may wish to share the information with your staff to educate them in identifying the causes of loss as well as learn and understand recommendations to assist practitioners and facilities in identifying and managing the risk most likely to impact your practice.

The reports offer nurses and physical therapists greater insight into malpractice claims as well as licensing board actions brought against their colleagues and facilities. We developed recommendations and a self-assessment tool to help reduce liability exposure while improving patient safety. The reports provide selected highlights from our Nurse & Physical Therapy Work Profile Survey, respectively. The surveys were conducted using those practitioners having experienced a professional liability claim along with those who did not to compare factors which may have contributed to increased exposure.


Do you need a Business Owners Policy?

Protecting your business is important. HPSO can help by providing you with information about BOP insurance. A Business Owners Policy (BOP)* is a package designed to protect your clinic, office, or facility for property and liability claims. BOP provides coverage for claims ranging from fire, theft, business income protection from interruption of utility service, and other perils to defense against costly bodily injury and property damage lawsuits to workers’ compensation. Learn more by accessing http://tinyurl.com/HPSOBOP.

*At the present time, Staffing Firms and Home Health Care Services are not eligible for coverage through the BOP program.