



Healthcare Providers Service Organization (HPSO) in collaboration with CNA has published the 2nd Edition of our *Pharmacist Claim Report*. The report includes statistical data and legal case studies taken from CNA's claim database, along with risk management recommendations designed to help pharmacists reduce their professional liability exposures and improve patient safety.

You can find the full report at: www.hpso.com/pharmacistclaimreport

This Pharmacist Spotlight focuses on our analysis and risk control recommendations regarding one of the most significant topics from the report: Issues related to Documentation.

Documentation

It is one of the pharmacist's primary professional responsibilities to maintain consistent documentation through record retention. Inadequate documentation may not only hinder the pharmacist's legal defense, it can even lead to a pharmacy board license complaint. The following measures can serve to lessen these exposures:

1. **Document all drugs and prescribed supplements dispensed** in the patient's pharmacy record.
2. In compliance with pharmacy and regulatory requirements, **document all discussions with patients, parents/guardians, prescribing practitioners, mentors, managers or other parties**, and ensure that this documentation is included in both patient and pharmacy records. The following guidelines can help enhance documentation practices:
 - Document questions asked of the prescribing practitioner regarding the submitted prescription, and also the resulting response.
 - Document that patients are aware of and able to correctly repeat back to the pharmacist each prescribed drug's uses, potential side effects, and signs of an allergy or adverse effect. Also ensure that they understand which possible adverse reactions are especially dangerous and require immediate medical attention.
 - If the patient's practitioner has prescribed a drug for an off-label use, instruct the patient to discuss the drug's specific indications and expectations for results with the prescribing practitioner, including information regarding known side effects of the drug and the signs of allergic or adverse reaction.
 - If the prescription is unclear or questionable, and the prescribing practitioner is not available, inform the patient of the problem and explain that, for reasons of safety, the prescription cannot be filled until the question/issue is resolved. Encourage the patient to contact the practitioner and facilitate contact between the practitioner and the pharmacist. If a delay in initiating drug therapy could pose a hazard to the patient, consider recommending that the patient seek emergency medical care. Note that receiving clarification from a non-prescribing member of the practitioner's staff does not absolve the pharmacist of liability in the event of an error leading to patient injury.

3. *Document all counseling sessions with patients or parents/guardians and ensure that they are able to correctly repeat back instructions, as well as warning signs when they should seek medical attention.* In addition, require patients to sign a form attesting that they have received counseling, or in the case of refusal, that they have refused counseling and are aware that there may be risks associated with their medications.
4. *Carefully examine and review each medication or preparation with the patient before placing it into the patient's bag, in order to ensure that the correct medications have been prepared and dispensed.* Document this discussion and review, as well as any questions the patient may have regarding a change in the shape or color of a medication, noting how questions were resolved. While the change may be the result of a proper substitution, it is important that the patient be aware of both the brand and generic names of medications, as well as the correct appearance of all drugs taken.
5. *Document any patient requests for non-childproof packaging* and require the patient to sign for any non-safety bottle caps dispensed.

Risk Management Self-assessment Checklist for Pharmacists

The following abbreviated checklist, selected to focus on documentation, is designed to assist pharmacists (and other pharmacy professionals where appropriate) in evaluating and modifying their current customs and practices, in order to enhance medication and patient safety.

SELF-ASSESSMENT TOPIC	YES/NO	ACTION(S) NEEDED TO REDUCE RISKS
Documentation		
Document all drugs and prescribed supplements in the patient's pharmacy record.		
Document all counseling sessions and/or refusals of counseling in the patient's pharmacy record.		
Document the patient's ability to correctly repeat back the information provided regarding the drug's name, dosage, expected results and common side effects.		
Perform and document patient counseling regarding all high-risk drugs, including signs of an adverse response, contraindications for use with other prescribed and nonprescribed drugs or remedies, risks of not taking the medication exactly as prescribed and symptoms that necessitate immediate medical intervention.		
For those drugs where it is clinically required, review and document relevant laboratory test results. Consult with the prescribing practitioner to modify the patient's prescription as needed based on the test results, and document those actions.		
Document all discussions with the patient, family members, the prescribing practitioner and appropriate healthcare personnel.		



This information was excerpted from HPSO and CNA's full report, *Pharmacist Liability Claim Report: 2nd Edition*.
www.hpso.com/pharmacistclaimreport



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In addition to this publication, CNA and Healthcare Providers Service Organization (HPSO) have produced numerous studies and articles that provide useful risk control information on topics relevant to pharmacists, as well as information relating to pharmacist professional liability insurance, at www.hpso.com. These publications are also available by contacting CNA at 1.888.600.4776 or at www.cna.com.

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