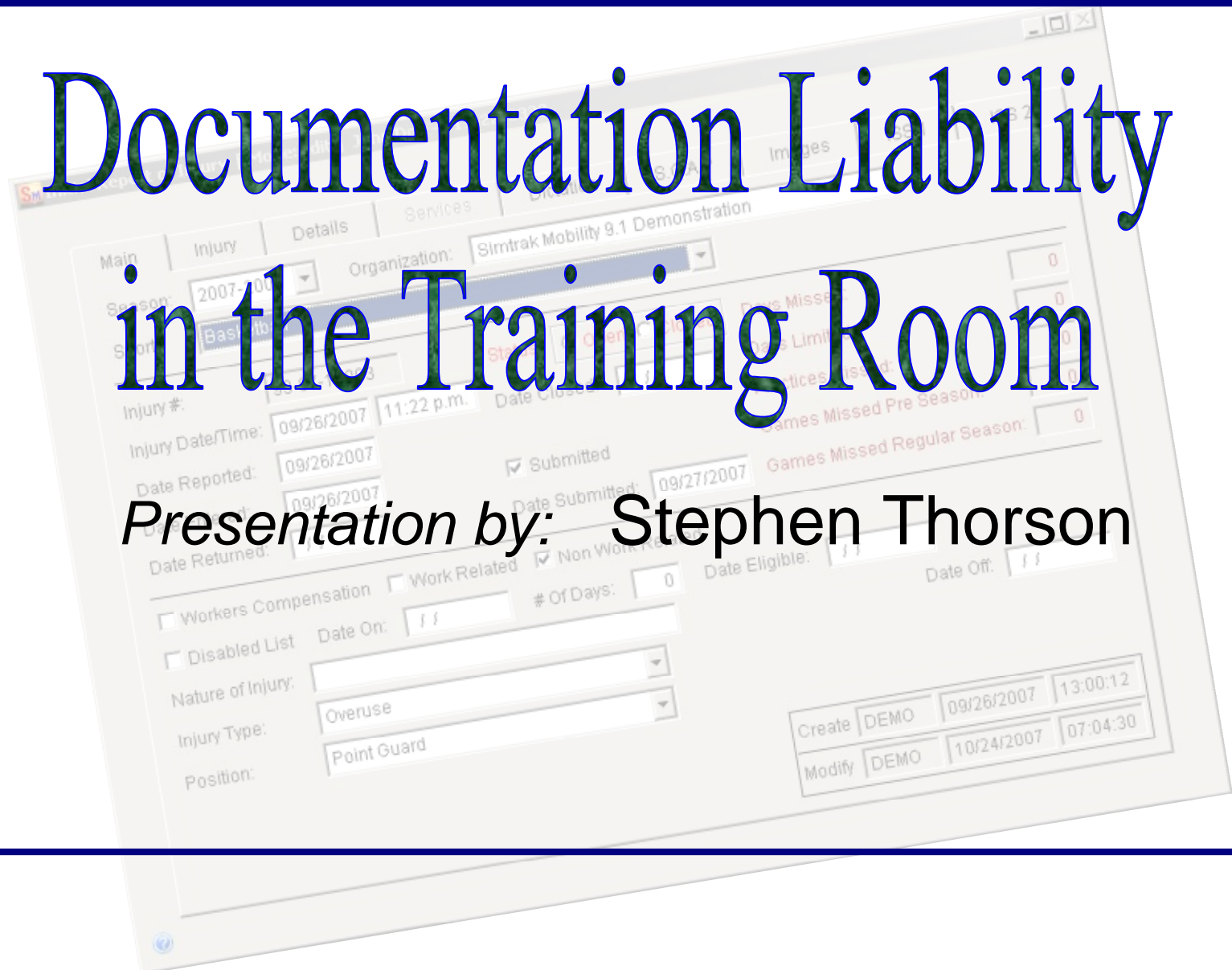


Documentation Liability in the Training Room

Presentation by: Stephen Thorson



MY BELIEF

Based on what I have experienced first hand over a dozen years of daily one-on-one interface with Physicians and Athletic Trainers and their documentation efforts ...

“There is a general and pervasive lack of seriousness among Athletic Training staff and their managements when it comes to documentation liability.”

“And the financial exposure to which they subject their employers and the risks they take with their individual careers is HUGE.”

TEST QUESTIONS FOR YOU

1. What are your chances (if at all) of being named in a lawsuit sometime during your career?
2. How confident would you be using your documentation as evidence in a court of law?
3. How quickly (if at all) could you produce a complete records history for a player if asked?
4. Would you have records if you had theft, fire, flood, earthquake, etc. in the training room?

WHICH LIABILITY

There are several liabilities:

- Liability for the athletic trainer?
- Liability for the organization?
- Liability for the medical provider?

But, for today, let's focus on liability for the organization (the athlete's employer or sponsor) or ... **the deepest pocket** ... further defined as:

- Liability for the parent organization that occurs ... or is managed ... in the athletic training room, and
- Liability impacted by the athletic training room's documentation practices.

BACK TO THE 4 QUESTIONS

QUESTION #1:

Chances of being named in a lawsuit.

Our experience shows the chances you will be involved in at least a related way with information for legal proceedings or insurance disputes are close to 100%.

The higher the level of the athlete (the more money they make), the greater the chance.

QUESTION #2:

When that time comes, will you have confidence in your documentation as conclusive evidence.

- First, do you have documentation at all?
- Then, is it complete?
- Third, what do your records look like? Ease of understanding them. Appearances do count.

QUESTION #3:

How quickly can you produce records.

Here's how quick it at times needs to be:

At 11pm did print out for 8am in court and because had complete, contiguous, organized and ordered, documentation, won at 8:00am in front of judge.

Liability Issue: Ability to produce what you have (a major separate issue from having it in the first place)

QUESTION #4:

Would you have records if theft, fire, flood, earthquake, etc. in the training room?

Inevitably, this comes down to backups:

- With paper, there are no backups (it won't be done)
- With digital, there can be backups (but it isn't done)
- Liability Issue: negligence and not performing to an expected professional standard

SUMMARY

- Having the data in the first place (many do not)
- Making the data complete (often overlooked)
- Ability to produce the data quickly
- Good data appearance, easily understood format
- Do you have backups? Is it recent?

IN DEFENSE OF THE ATHLETIC TRAINER

- The overwhelmingly most common reason given for the general lack of attention to documentation and concern for the associated liability risks, is **lack of time**. Can't do it.
- So **managing liability** becomes a **management issue**, either hiring more sports medicine staff or approving budgets for digital record-keeping (machines or people, with machines being less costly).
- Good management attention to **a good implementation** and ongoing conduct. Management failure to implement and devote time to staff training and understanding is a major cause for lack of documentation.
- Key element: Ability of management to **get IT support** for sports medicine among the competing organizational priorities.