How to Conduct a Legal Issue Inventory

Taking a legal issue inventory is the process of compiling and ranking, by order of priority, the legal issues your practice most often encounters that could potentially result in legal liability at some point in time. By listing and ranking potentially problematic issues, you can research best practices and recommendations and then apply them to minimize your practice's risk exposure.

But how do you know what to include on that list?

Here are some situations, and topics, to consider:

Topics to consider:

- Patient contracts
- Financial disputes with patients
- When treatment doesn't go as planned (or the patient claims it didn't)
- Giving refunds to patients
- Divorced parent situations
- Employment questions (terminating employees)
- Social media and marketing (what you can and can t say)
- Responding to negative online reviews or comments
- Using patient pics & getting releases from patients
- Giving incentives for testimonials or positive online reviews
- HIPAA compliance
- Americans with Disabilities Act compliance
- Referral incentives given to patients or other providers
- Patient insurance coverage issues
- Practice malpractice insurance
- Medicare/Medicaid questions and coverage

Situations to consider:

(situations that might bring up issues that need to be addressed)

- Problem interactions with patients
- Times a patient has threatened to sue or to contact an attorney
- Coverage disputes with insurers
- Problem situations with employees and staff
- Issues or questions you have heard about in social media groups
- Issues or questions you have heard about from colleagues or other practices
- Information from your malpractice carrier
- News headlines

The Process of Taking a Legal Issue Inventory--A Step by Step Recommendation

Step 1

Commit staff and team members to keep a running list of every problem they encounter with some legal aspect or component to it, every legal question they run across online or in talking to others, or elsewhere.

Continue this list-making process for at least 3-4 months.

Step 2

After 3-4 months, discuss the list in a team huddle and rank the problems/questions/issues in descending order of priority (ranking the most important first).

Step 3

Starting at the top, do the research needed to determine the answer to the question or find a best practice to minimize risk (research online, talk to an attorney, talk to your insurer, etc.)

Step 4

Apply the best practices, or institute new action items, as determined by the answers located through your research and inquiry.

Step 5

Continue to keep track of new questions or problem situations as they arise, and repeat the group discussion and ranking of new items every six months.

NOTE: The information contained in this handout is not intended to convey "legal advice" and does not create an attorney-client relationship. Practices should consult with their own attorney before taking any action that could result in legal liability.

Legal Issue Tracking Checklist

Issue, Question or Problem Situation	Team Member who Experienced the Situation	Date	Priority Ranking

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