MYTHS & MISCONCEPTIONS:
PHARMACY BENEFITS

Q: I recently received a letter from a patient's pharmacy benefits manager. The letter listed all prescriptions that the plan has filled for the patient and stated that my prescribing pattern increased the patient's risk for a medication-related hospitalization. I am concerned that my liability will increase if a risk actually materializes and this letter comes to light. Should I ignore this letter? What steps can I take to minimize my potential liability?

A: You appear to have encountered one of the latest tools in healthcare benefits cost containment, and you are right to be concerned. In the event of a lawsuit, one can imagine such a letter blown up to poster size and shown to a jury as the plaintiff's attorney declares indignantly, "See doctor, even the pharmacy warned you that this could happen."

But don't panic. Remember that all psychiatric treatment entails balancing risks and benefits in light of the patient's individual circumstances, and a poor outcome is not in and of itself evidence of malpractice. However, like letting the cat out of the bag, once you become aware of the information contained in the letter, your awareness can never be undone and the information must be dealt with candidly and in a clinically appropriate manner.

The risk management strategies that you can use to reduce your liability risk in this situation are the same strategies that are used anytime treatment decisions are being made - focusing on patient care, obtaining informed consent, and documenting the decision-making process.

The specific steps you should take in response to this letter are:

1. Review and research the information
2. Talk to the patient
3. Document your decision-making process

First, review and research the information cited in the letter. You may wish to take a look at treatment guides from professional organizations as well as any studies or articles cited in the letter. Review the patient's medication for potential adverse interactions, ask your patient about previously undisclosed medications or treatment modalities, and assess for other potential problems.

Second, talk to the patient. Obtain an updated informed consent in light of this new information. Educate the patient about the risks and benefit of the treatment modality in question as well as your recommendations for treatment. The treatment plan may be left as is or it may need to be modified in a way related or unrelated to the letter.

Finally, document your decision-making process in light of the information received from the pharmacy benefits manager. Document your reasons for recommending a specific treatment modality in light of its risks. If the chosen treatment deviates from accepted guidelines, document your reasons for the particular choice. Document the updated informed consent discussions.

The bottom line is that information, wherever it may come from, can always be used productively to support patient care.

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