

Risk Management in Pharmacy Practice



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Disclosures and Conflict of Interest

Chris Lynch declares no conflicts of interest, real or apparent, and no financial interests in any company, product, or service mentioned in this program, including grants, employment, gifts, stock holdings and honoraria.



Disclosure of AI Use

AI was not used in development of this presentation.



Pharmacist & Technician Objectives

At the conclusion of this program, the pharmacists and technicians will be able to:

- ▶ Identify the steps in performing a risk assessment of a practice,
- ▶ Describe the special needs for risk assessment in an advanced practice,
- ▶ Identify the common forms of risk in community pharmacy
- ▶ Differentiate between civil liability, criminal liability and vicarious liability,
- ▶ Recognize the steps needed to protect the pharmacy and its employees from external risks.



1. What is the first step when performing a risk assessment in a pharmacy practice?
 - a. Assess likelihood of risk occurrence
 - b. Prioritize risks
 - c. Identify potential risks
 - d. Monitor change in risk behaviors

Pre-Test Question 1



1. Advanced practice pharmacists face additional risk because of which of the following?
 - a. Little case law protecting them.
 - b. Poor understanding of advanced practice pharmacy among the general public.
 - c. Lack of proper documentation
 - d. All of the above

Pre-Test Question 2



1. If a technician offers clinical advice to a patient, and that patient suffers harm from that advice, the technician could face which of the following:
 - a. Civil liability
 - b. Vicarious liability
 - c. International liability
 - d. Both A & B are correct

Pre-Test Question 3



1. If a technician offers clinical advice to a patient, and that patient suffers harm from that advice, the pharmacist supervising that technician could face which of the following:
 - a. Civil liability
 - b. Vicarious liability
 - c. International liability
 - d. Both A & B are correct

Pre-Test Question 4



1. If a pharmacist consistently and egregiously offers bad advice about medications, and many patients suffers serious harm from that advice, the pharmacist could be found guilty of:
 - a. Civil liability
 - b. Vicarious liability
 - c. International liability
 - d. Criminal liability

Pre-Test Question 5



1. Which of the following could help protect pharmacy employees from external risks:
 - a. Covering the home address on the pharmacist licenses.
 - b. Staggering when employees leave the store to enter the parking lot.
 - c. Ignoring flirty behavior from patients.
 - d. **Not** training employees how to react to an armed robbery.

Pre-Test Question 6



Basic Steps of Risk Assessment



Examples of Risk in Community Pharmacy

Negative patient outcomes,

Inadvertent billing mistakes,

Loss of merchandise to shoplifting,

Drug diversion by staff,

Stalking or violent behaviors by patients.



Risk assessment and reduction

- ▶ All medical professions carry inherent risks:
 - ▶ Civil & criminal liability,
 - ▶ Personal safety.
- ▶ Pharmacy has unique risks:
 - ▶ Lack of public understanding of our roles,
 - ▶ Community pharmacy staff uniquely vulnerable to access by people who wish harm.



Civil Liability (malpractice)

Failure to exercise the degree of care that a reasonable person (pharmacist) would exercise under the same circumstances.

Required components:

- ▶ Duty breached (legal duty, not moral or ethical)
- ▶ Damages
- ▶ Direct causation
- ▶ Defenses absent



Vicarious Liability

- A pharmacist may often be held responsible for the negligence of others under their direct or indirect supervision (technicians, interns, residents).
- **Most common example: breach of confidentiality.**
- Other examples: practicing beyond their scope of practice or level of practice resulting in harm to a patient.



Criminal Liability

- A pharmacist may be held criminally liable for egregious and/or repeated violations of standards of care.
- This type of liability is thankfully rare, and usually involves true criminal intent (fraud, financial abuse of seniors, etc).



Special risks with non-traditional pharmacy practice

Nontraditional practices include:

- Any role not associated with the preparation or dispensing of medications,
- Consultant pharmacy,
- Specialty populations,
- Working under standing order sets or collaborative practice agreements.

Why special risks?

- The public and even other health professions may not understand or respect these roles,
- Minimal case history in these areas,
- If practice results in jury trial, the jurors may be confused by the actions of the pharmacist.



Risk from criminal activity



Criminal
activities of
special
concern:

- ▶ Armed robbery
- ▶ Stalking

Armed Robbery



A 2015 report on community policing showed robberies of pharmacies in the United States increased 82 percent from 2006 to 2011.



Pharmacies are dual acquisition targets: prescription drugs and cash.



Pharmacies are often located in areas where traffic patterns allow easy egress from the robbery.

N La Vigne, Wartell J. Robbery of Pharmacies. Community Oriented Policing Services, Publication #73, US Department of Justice. 2015



Stalking

- ▶ Healthcare providers are common targets of stalking.
- ▶ Stalking can result from patients mistaking kindness for affection.
- ▶ Stalking can range from flirtations to obsessive and dangerous behaviors.
- ▶ Women healthcare providers are more commonly stalked than men.
- ▶ Psychiatrists and Psychiatric Counselors are the most common targets of stalking.
- ▶ Pharmacists are especially vulnerable due to ease of access.



Reducing risks of stalking

- ▶ Train employees in how to respond to inappropriate language from patients.
- ▶ If possible, have all pharmacy employees leave the pharmacy together at the end of shift.
- ▶ Be quick to report suspicions of stalking to law enforcement.
- ▶ Cover the home addresses on displayed licenses.



Questions???



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Post-Test Question 1



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Final tips & Take Home Points

- ▶ Risk management should be proactive not reactive.
- ▶ Risk is inherent in the practice of pharmacy, but every detail of practice should be examined for risk potential.
- Pharmacists and technicians should be aware of how different actions can impact their exposure to civil liability.
- An honest appraisal of workplace safety should be conducted regularly.



Resources and References

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Thank you

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