

## MLMIC Risk Management Tips

### Tip #8: Management and Documentation of After-Hours Telephone Calls from Patients

**The Risk:** The failure to properly handle and document after-hours telephone calls can adversely affect patient care and lead to potential liability exposure for the physician. Further, should a telephone conversation become an issue in a lawsuit, and it is not documented, the jury is less likely to believe the recollection of the physician, who receives a large number of calls on a daily basis.

#### Recommendations:

1. Establish a system to respond to after-hours telephone calls. This system should include a consistent process to help ensure that all after-hours calls are responded to in a reasonable time frame and are documented in the patient's medical record.
2. Medical record documentation of after-hours calls should include the following:
  - Patient's name
  - Name of the caller, if different than the patient, and the individual's relationship to the patient
  - Date and time of the call
  - Reason or nature of the call, including a description of the patient's symptoms or complaint
  - Medical advice or information that was provided, including any medications that are prescribed.
3. If the patient's condition warrants the prescription of medications, it is important to inquire about and document any medication allergies, as well as any other medications the patient may be taking.
4. When providing after-hours coverage for another physician's practice, a process should be in place to ensure that documented telephone conversations are promptly forwarded to that practice.
5. If you use an answering service, it should be periodically evaluated for courtesy, efficiency, accuracy, and proper record keeping.

6. The use of answering machines for after-hours calls is not recommended for the following reasons:
  - There are no safeguards in the event of an answering machine malfunction.
  - Patients do not always understand that no one will call back, even if this is stated in the message, due to limited English capacity, anxiety, or other impediments.
  - If, as a last resort, an answering machine must be used, the message must be brief and simple: “The office is now closed. Please go to the emergency department if you believe this is an emergency.”