

## Tip: Using Chaperones During Physical Examinations

**The Risk:** Providers must recognize that, at any time, a patient may make a complaint to the Office of Professional Medical Conduct alleging that he or she was the victim of a physician's sexual misconduct. Having a chaperone present during intimate physical examinations may be beneficial to both the physician and the patient. First, it may provide reassurance to patients, demonstrating both respect for their concerns and an understanding of their vulnerability. Second, the use of chaperones can provide legal protection for the physician in the event of a misunderstanding or false accusation of sexual misconduct on the part of the patient.

### Recommendations:

1. A provider should always use a chaperone when performing breast or pelvic examinations.
2. Consideration also should be given to the use of a chaperone for:
  - The provider can simply document "chaperone in room for the entire exam" and the chaperone's initials.
  - Adding the name and title of the staff member who chaperoned the exam allows you to verify their presence at a later date, should the need arise.
3. The presence of a chaperone must always be documented in the patient's medical record.
4. A chaperone should be provided even if the provider is the same gender as the patient.
5. Chaperones should be educated about patient privacy and confidentiality issues.
6. Unless specifically requested by the patient, family members should not be used as chaperones.
7. Respect for the patient's privacy can be further maintained by speaking to the patient privately before and/or after the examination.

**OFFICE POLICY AND PROCEDURE**

**CHECKLIST**

**USING CHAPERONES DURING PHYSICAL EXAMINATIONS**

Providers must recognize that, at any time, a patient can make a complaint to the Office of Professional Medical Conduct alleging that he or she was the victim of a provider’s sexual misconduct. The presence of a chaperone during intimate physical examinations may be beneficial to both the provider and the patient. First, it may provide reassurance to patients, demonstrating both respect for their concerns and an understanding of their vulnerability. Second, the use of chaperones can provide legal protection for the provider in the event of a misunderstanding or false accusation of sexual misconduct on the part of the patient.

|   | <b>YES</b>               | <b>NO</b>                |
|---|--------------------------|--------------------------|
| 1. A chaperone is always used when performing breast or pelvic examinations.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Chaperones are considered for the following: <ul style="list-style-type: none"> <li>• Rectal and/or testicular examinations</li> <li>• Unusual situations where the physician is concerned that the patient, spouse, or family member may seem uncomfortable or apprehensive</li> <li>• When a parent or spouse demands to be present</li> <li>• When a patient acts seductively or otherwise inappropriately</li> </ul> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The presence of a chaperone is always documented in the patient’s medical record. <ul style="list-style-type: none"> <li>• The provider can simply document “chaperone in room for the entire exam” and the chaperone’s initials.</li> <li>• The name and title of the staff member who chaperoned the exam is added to verify their presence, should the need arise at a later date.</li> </ul>                         | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Chaperones are educated about patient privacy and confidentiality issues.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Family members are not used as chaperones, unless specifically requested by the patient.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Respect for the patient’s privacy is further maintained by speaking to the patient privately before and/or after the examination.  | <input type="checkbox"/> | <input type="checkbox"/> |

A template indicating the use of a chaperone is available from Mercado May-Skinner\* from which either a stamp for a paper record or a data field for an electronic health record (EHR) can be used in your office. They can be reached at **(844) MMS-LAW1** (844-677-5291).

\*The attorneys of Mercado May-Skinner are employees of MLMIC Insurance Company