Supervision, collaboration and consultation among providers is becoming increasingly common as there are more patients and fewer psychiatrists to provide direct care. In addition to social workers and psychologists, other licensed healthcare practitioners such as nurse practitioners (NPs) and physician assistants (PA) are becoming more widely used in psychiatry. When supervising, collaborating and consulting with these other practitioners there are a number of factors to consider.

First, it is crucial to know what your relationship is and define your role and whether you are the other provider’s supervising physician or if another physician is acting in that role. Depending on the state where you practice, there may be specific guidelines when acting in a supervisory or collaborative role, particularly when working with NPs and PAs. As such, it is important to be aware of the requirements set forth and what you may/may not be required to do. Moreover, it is important to consider the level of experience, training and competence of the other clinician when determining supervisory oversight. It is also important to be aware of your role within the agency/clinic as there may be differing liability risks if acting in the role as a partner/shareholder versus an independent contractor.

If you are not in a supervisory role, is it a collaborative relationship where there is shared responsibility of the patient? Collaborative relationships may be somewhat complex and complicated and involve mutual shared responsibility, independent/interdependent duties, and mutual shared information. Whether in a supervisory or collaborative relationship, this should be identified at the outset of your relationship. It is important that you have an agreement in place with your agency/hospital/other provider prior to beginning the relationship as it is much more difficult to deviate from a signed contract than obtaining advice prior to signing. It is important that you are aware of your responsibilities under your practice and supervisory agreements.
Next, is the **consultative relationship**. This may have the least liability risk of the three roles. However, this is not definitive and there are some areas which may not be clear cut. Juries and courts may examine many factors when determining liability. Note, liability may attach to a physician’s actions, especially when using their clinical expertise to consult with a colleague on a recommended course of treatment. A few tips to keep in mind:

- Be cautious when an informal inquiry (curbside consultation) turns into actual patient diagnosis and treatment.
- Be aware of your employment contractual obligations. Do you have a contract with the employer and what does it indicate as far as what your role is within the organization?
- At the outset, define your role: is it a curbside consultation or a more formalized consultation?

"Signing Off"

In any of the three roles, it is important to know if you will be requested to “sign off” on another provider’s treatment notes/plan. Even if you are not in the role as the “supervising physician” and the other provider had a bad outcome and a lawsuit is brought, you may be included in the case as a defendant by nature of your role in signing off on the note/plan. If being requested to “sign off,” this may have liability implications even if you did not have any involvement with the patient. In other words, it is important to be aware what you are signing off on.

**Conclusion**

While all physicians need to be cautious when acting in a role as a supervisor, collaborator or consultant, it is often an essential and an important part of practice. It can increase knowledge between providers and may be highly beneficial in the overall care and treatment of patients. Keep in mind that laws vary from state to state. In order to minimize liability exposure, it is important that all parties involved in the collaborative, supervisory, or consultative relationship understand and abide by all aspects of federal and state regulations as well as the principles of medical ethics. Prior to entering such an arrangement it is prudent for the psychiatrist to consult with a local attorney and/or risk management professional.

**Risk Management Tips**

- Understand your state and federal laws and regulations.
- Adhere to your profession’s ethical guidelines.
- Be aware of your employment contractual obligations and the policies and procedures of your agency/clinic.
- Define your role and have a clear delineation of responsibility. Know what your responsibilities are for patient care.
- Whether in the role of a supervisor, collaborator or consultant, it is important to maintain effective communication, including documentation.
- Be aware of the education, training and experience of the other provider and ensure that sufficient supervision is provided. Keep in mind you may be held liable for the acts of those you supervise whether or not you had any direct involvement with or knowledge of the patient’s care.
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Risk Management Tips

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If in a supervisory, collaborative or consultative arrangement, ensure that you adhere to state regulations and have an agreement in place where indicated. It is important to have an attorney review the agreement on your behalf prior to signing to ensure you are aware of your responsibilities. Should you deviate from the agreement, ensure you are following the regulatory guidelines set forth within your state.

If you have questions, it is important to discuss with a local attorney or your risk management professional.

For more information on this topic, if you are an APA member, please see the online risk management course: “Supervisory, Collaborative and Consultative Relationships: Risk Management in Split Treatment,” available on the American Psychiatric Association’s Learning Center Risk Management page at http://www.psychiatry.org/psychiatrists/practice/risk-management. This course is available free of charge to American Psychiatric Association members.

END NOTES:


For other timely risk management topics, policyholders can access In Session, our risk management newsletter at apamalpractice.com.

If you have any questions please contact the American Professional Agency, Inc. at 877-740-1777.

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