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Free vision screening exams

**PURPOSE OF RISK MANAGEMENT RECOMMENDATIONS**

OMIC regularly analyzes its claims experience to determine loss prevention measures that our insured ophthalmologists can take to reduce the likelihood of professional liability lawsuits. OMIC policyholders are not required to implement these risk management recommendations. Use your professional judgment in determining the applicability of a given recommendation to their particular patients and practice situation. These loss prevention documents may refer to clinical care guidelines such as the American Academy of Ophthalmology’s *Preferred Practice Patterns*, peer-reviewed articles, or to federal or state laws and regulations. However, our risk management recommendations do not constitute the standard of care nor do they provide legal advice. If legal advice is desired or needed, consult an attorney. Information contained here is not intended to be a modification of the terms and conditions of the OMIC professional and limited office premises liability insurance policy. Please refer to the OMIC policy for these terms and conditions.

6/12/17

Ophthalmologists and their staff often provide free vision screening examinations at health fairs, schools, senior centers, and local malls. These screenings are enormously beneficial for discovering and preventing eye health problems in the general population. They also generate good public relations for the ophthalmologist who is able to give something back to the community that supports his or her practice. OMIC has not had any claims related to vision screening exams in our 25-year history. We feel that the very low risk of liability can be further minimized by taking a few steps discussed in this article.

**Q.** What are some of the risks of providing free vision screenings?

**A.** The major risk is the same as when a patient is examined in the office: failure to detect or warn about an eye disease or other health problem that should have been discovered during the screening examination.

**Q.** How do I limit my exposure to a claim since I am only providing a limited service?

**A.**  Exam organizers (school administrators, senior center directors, etc.) should notify prospective participants (the public) that the ophthalmologist’s role will be limited to discussions and advice about eye disease and health and that treatment will not be provided during the exam. At school screenings, it is necessary to secure permission from the parents of minor children before thechild is examined. The ophthalmologist should create pre-printed forms explaining to participants that the exam is not a complete eye exam but is instead limited to certain tests (glaucoma screening, visual acuity, etc.). Give each person a copy of the pre-printed form (**see sample form at the end of this document)**.

**Q.** What should I do if I find an obvious or potential eye problem?

**A.** Your response to the situation will depend upon what you find. In all cases where there is a problem, the participant should be given follow-up instructions in writing. These instructions should be part of the same form that explains the limited nature of the exam. Use the pre-printed form to emphasize that follow-up of any abnormal finding is the participant’s (parent’s) responsibility and that failure to seek further medical treatment could result in a more serious eye or medical problem if left untreated. There should be a section indicating whether the follow-up is needed on an emergent, urgent (24-48 hours), timely (1-2 weeks), or when convenient basis. If your office will not be available to provide further diagnostic testing or treatment, give information on where such care may be obtained.

**Q.** Do I need to keep records of screening exams?

**A.** It is prudent to keep records of screening exams, particularly if follow-up was recommended, so that if a claim or dispute ever arises, there is evidence of the scope and limitations of the exam as well as the problems that were noted and instructions given to the patient. Without these records, a patient would have the opportunity to misconstrue the nature of the service being provided and the results of the screening. Please note, however, that HIPAA regulations require the physician to provide a HIPAA privacy notice to the person receiving a medical screening if the physician keeps a copy. You may choose to only keep a copy of the abnormal results, and thus limit the number of people to whom you give a copy of the privacy notice. Or you may decide to keep a copy of all the screening results, and provide HIPAA privacy notices to all who obtain a screening.

**Q.** Does my OMIC professional liability policy cover me when I provide free vision screening examinations?

**A.** Yes, you and your staff are covered in the event of a claim as a result of providing free vision screening services. The type of coverage and the policy limits are the same as when providing these services in your office. Please be advised that you must have a medical license in the state in which you provide the screening.

**Q.** Is it proper to allow my staff to provide services at these events as representatives of my office without my presence or direct supervision?

**A.** At your request, staff may provide services at screening events within the authorized scope of their employment, licensure, and training. These screening services (e.g., basic tonometry, visual acuity testing) should be limited to those provided at the office that do not require the direct supervision of an ophthalmologist or other licensed personnel. Prior to providing these unsupervised services, the ophthalmologist should advise staff not to render any service or provide any advice beyond their customary office functions. It must be made clear to those being screened that the technicians or assistants providing the services are not physicians. At a minimum, name tags with the appropriate job title should be worn. Pre-printed forms, as discussed above, should be tailored to the more limited scope of what an assistant or assistant can provide.

**YOUR EYE SCREENING EXAM TODAY WAS NOT A COMPLETE EYE EXAM**

PATIENT NAME\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE \_\_\_\_\_\_\_\_\_

Your brief screening eye exam today indicated that you need a comprehensive eye exam because:

\_\_\_\_\_\_ You have a personal or family history of glaucoma. Glaucoma is a hereditary condition that can lead to loss of side (peripheral) vision and blindness. Glaucoma often has no symptoms before permanent loss of vision occurs. Glaucoma is treatable.

\_\_\_\_\_\_ You have a history of diabetes. We recommend a complete eye exam at least once every year. The best way to prevent vision loss from diabetes is early diagnosis and treatment.

\_\_\_\_\_\_ You have a history of an eye problem that requires periodic evaluation.

\_\_\_\_\_\_ Your eye exam today found the following abnormalities:

\_\_\_\_\_\_ Your vision was not correctable to normal with glasses

\_\_\_\_\_\_ Your eye pressure was high.

\_\_\_\_\_\_ Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

An ophthalmologist can perform a complete eye exam to determine the cause of your eye problem, and recommend treatment. Please contact \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to schedule an exam.