Miller Thomson



Health Industry Conundrums

These "what happens in this scenario" questions are examples of the kinds of inquiries we receive from our Miller Thomson On Call™ clients.

1. While attending your office with his wife, a patient's husband has been behaving in a threatening manner towards staff. What are your legal obligations in these circumstances to protect the staff?

2. A box of old health records has been stolen from a staff member's car. What should you do?

3. A third party has called and asked for a copy of portions of the patient's health record. Is the patient's consent required in order to release this information?

4. A patient has deliberately smashed a hallway window. No one was injured, but the police were called. The police are now asking for a copy of the surveillance tape from the security camera. Should they be given a copy of the tape?

5. You would like to electronically send the results of a recent diagnostic test to a patient's physician. What protections/ safeguards should you have in place to protect the electronic communication from loss and unauthorized disclosure?

6. You are moving to a new practice and have signed a contract with your current practice that includes non-solicit and non-compete clauses. What are the implications of these clauses?

7. A patient has alleged that one of the clinic's staff was verbally abusive to him. What steps should be taken?

8. You are approached by a company that sells refurbished optometry equipment. Saving money is a necessity and you would like to explore this as an option. Should you have any concerns?

9. Your administrative assistant is not working out and you would like to terminate the relationship. How do you approach this?

10. You have received a summons to witness for a hearing. The summons requires that you bring your own notes regarding the patient's care. What can you take with you?

11. You have been seeing a patient with Alzheimer's disease for several years. The last time you saw her you tried to discuss a treatment for glaucoma, but she became confused. You are wondering if her Alzheimer's has progressed and whether she can still make her own treatment decisions. What should you do?

12. A patient wants to drive home after a dilated fundus exam. You are concerned that the patient is still handicapped by the dilation and not able to drive. What should you do?

13. You want to advertise your clinic on social media sites and include pictures of the clinic's staff and patients. What consent do you need to post the images?