

## — Labor &amp; Employment Client Alert —

**New Standards to Take Effect January 1, 2009 for Addressing Disruptive and Inappropriate Behavior****By Bethany A. Pelliconi, Esq.**+1 213 457 8059 · [bpelliconi@reedsmith.com](mailto:bpelliconi@reedsmith.com)

On July 9, 2008, The Joint Commission, the nation's standards-setting and health care accreditation body, issued a *Sentinel Event Alert*, which warns that intimidating and disruptive behavior can result in medical errors and adverse outcomes for patients. As a result of these findings, The Joint Commission is introducing new standards, which require accredited health care organizations to create codes of conduct that define acceptable, disruptive and inappropriate behaviors, and to create and implement procedures for managing disruptive and inappropriate behaviors. The new standards, which apply to hospitals, nursing homes, home health agencies, laboratories, ambulatory care facilities, and behavioral health care facilities in the United States, take effect Jan. 1, 2009.

In the *Sentinel Event Alert*, The Joint Commission also suggested the following 11 steps that health care organizations may take to address disruptive and inappropriate behaviors:

- Educating all health care team members about professional behavior, including training in business etiquette and courtesy during telephone interactions
- Holding team members accountable for modeling desirable behaviors, and enforcing the code of conduct consistently and equitably among all staff
- Developing and implementing “zero tolerance” policies and procedures with respect to intimidating and/or disruptive behaviors, ensuring that medical staff policies are complementary and supportive of the organization’s policies for non-physician staff, reducing fear of intimidation or retribution for reporting or cooperating in the investigation of intimidating and/or disruptive behaviors, and developing and implementing policies that address how and when to begin disciplinary actions
- Developing an organizational process for addressing intimidating behaviors that integrates input from an inter-professional team that includes representatives from medical and nursing staff, administrators and other employees
- Providing skills-based training and coaching for all leaders and managers in relationship-building and collaborative practice
- Developing and implementing a system for assessing staff perceptions of the seriousness and extent of instances of unprofessional behaviors and the risk of harm to patients
- Developing and implementing a reporting/surveillance system for detecting unprofessional behaviors
- Supporting surveillance with tiered, non-confrontational intervention strategies, starting with informal conversations addressing the problem and moving toward progressive discipline if the behaviors persist

- Conducting all interventions within the context of an organizational commitment to the health and well-being of all staff
- Encouraging inter-professional dialogues across a wide variety of forums to address ongoing conflicts in a proactive way
- Documenting all attempts to address intimidating and disruptive behaviors

As a result of the *Sentinel Event Alert* and the new standards issued by The Joint Commission, accredited health care organizations should review their codes of conduct, policies and procedures to ensure that intimidating and disruptive behaviors are addressed effectively. Accredited health care organizations should also develop and implement training and educational programs focused on eradicating these behaviors. Although many organizations already have in place policies, procedures, and training programs that address harassment in the workplace, they should not assume that these will be sufficient to comply with The Joint Commission's new standards.

For more information, please contact the author of this *Client Alert* or the Reed Smith attorney with whom you regularly work.