

Advocacy for Appropriate Healthcare

written by Richard Leslie | May 24, 2016

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... Therapists or counselors may sometimes desire to advocate with insurers or HMOs for appropriate health care for their patients, but may be reluctant to do so for fear of retaliation by the insurer or HMO. This kind of advocacy essentially means that a health care practitioner may appeal a payer's decision to deny payment for a service pursuant to the reasonable grievance or appeal procedure established by the payer, or to protest a decision, policy, or practice that the health care practitioner reasonably believes impairs his or her ability to provide appropriate health care to the practitioner's patients.

One state (and perhaps others) has passed a law that protects, at least to some extent, against retaliation by the HMO, insurer, or other payer. This law also applies to medical groups, independent practice associations, preferred provider organizations, and hospital medical staffs and governing bodies. The law provides that the application and rendering by any individual, partnership, corporation or other organization of a decision to terminate an employment or other contractual relationship with or otherwise penalize a health care practitioner principally for advocating for appropriate health care consistent with that degree of learning and skill ordinarily possessed by reputable health care practitioners with the same license or certification and practicing according to the applicable legal standard of care violates the public policy of the state. While this law does not provide for specific penalties for such retaliation, its existence helps to establish a health practitioner's case against an organization that engages in such retaliation.

Is there such a law in the state in which you practice?