

## Thomson Rogers Webinar Series

Friday, November 27, 2020

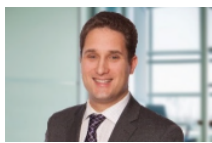
# Session 10: Navigating Ethical Issues Facing Healthcare Providers

Presented by:

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LAWYERS



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## Navigating Ethical Issues Facing Healthcare Providers

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### OVERVIEW

1. Client Dissatisfaction-Issues & Ethics
2. Provider Account-Issues & Ethics
3. Other topics? (use the chat to suggest other topics)

## Client Dissatisfaction-Issues & Ethics

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Two areas to discuss regarding Client Dissatisfaction:

- Client unhappy with their lawyer
- Client unhappy with another provider

## Managing Issues between Client and Lawyer

- What is the #1 Client complaint about a lawyer?

(use chat to answer)



- Other common Client complaints about a lawyer?

(use chat to answer)

## Managing Issues between Client and Lawyer

#1 Responsiveness! (i.e. I can't get in touch with them!)



## Managing Issues between Client and Lawyer

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- Knowledge Issues (i.e. I am not sure they are right)
- Delay Issues (i.e. the process is taking too long)
- Fee Issues (i.e. my lawyer/paralegal is charging me)
- Other Issues (discussion from chat comments)

## Managing Issues between Client and Lawyer

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### **Ethical Solutions:**

- Encourage/facilitate communication between client and lawyer
- When appropriate discuss 'second opinion' options

## Managing Issues between Client and Lawyer

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### Second opinion protocols:

- New potential lawyer to encourage reconciliation
- If reconciliation fails new lawyer may consider involvement
- How it works with takeover:
  - No upfront costs to client and no additional costs

## Managing Issues between Client and Other Provider

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- Understand the problem
- Encourage/facilitate communication
- Involve the lawyer with client's permission
- Client's interest paramount

## Provider Account Issues & Ethics

### Protected Account Issues

1. Instruction to Protect come from the client not the lawyer
  - lawyers don't protect accounts, clients do
2. Irrevocable direction in writing
  - irrevocable so client can't change mind.



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10

## Provider Account Issues & Ethics

3. Regular account updating
4. Put limits on accounts
5. Have lawyers acknowledge  
And provide to any new counsel



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11

## Resource Use & Ethics

- Managing Limits
- Submitting plans in small increments
- Budgeting
- Team coordination
- Raising concerns re:  
burn rates/resource allocation



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12

## Referral Fees & Ethics

- Lawyers can pay referral fees to licensed paralegals and lawyers only
- Since 2017 these fees are strictly regulated
- Clients should NOT be paying fees to third parties. If you see this you should inquire
- 3<sup>rd</sup> party loans are permitted but interest is extremely high.



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13

## Draft Reports & Ethics

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- Lawyers can and should discuss draft reports with you.
- Draft reports and communication are typically privileged.
- Unless reasonable suspicion lawyer improperly influenced expert.
- Freely share drafts as we want to help you refine and comply with Rules.
- Don't allow your opinion to be improperly influenced.