

# Best Practice; Office Manager Forum

Kathleen Stillwell, RN, MPA, MHSA, CPHRM  
Senior Patient Safety Risk Manager

Richard Cahill, Esq.  
Vice President, Associate General Counsel

July 18, 2024



The Doctors Company  
TDCGROUP

# Disclaimer

This program is being offered for informational and educational purposes only from a Patient Safety Risk Management perspective and does not constitute legal advice. Laws vary from state to state, actual clinical situations often involve subtle differences and nuances from program scenarios or recommendations, and the recommendations provided in this activity may not apply to all practice situations. In complex circumstances, which present significant potential for an adverse event or litigation, TDC and the faculty recommend you consult directly with your corporate or personal counsel for professional legal guidance.

# Kathleen Stillwell, RN, MPA, MHSA, CPHRM

## Senior Patient Safety Risk Manager

Kathleen Stillwell earned Master's Degrees in Public Administration and Health Services Administration. She is a registered nurse and Certified Professional Health Care Risk Manager (CPHRM). Ms. Stillwell is a nationally recognized expert in healthcare risk management with over 38 years of experience in clinical risk management, professional liability claims management, compliance, and high-risk underwriting. Her expertise includes hospitals, medical practices, and integrated healthcare organizations. She is a frequent speaker for conferences, and authors articles for TDC articles and health care publications.

Ms. Stillwell serves on Chapman University, Leadership Council for Crean College of Health and Behavioral Sciences in Irvine, CA. She also serves on the University of California Riverside Advisory Board for Women in Leadership Program. Kathleen is a member of Brandman University Nurse Advisory Board, and a volunteer coach for physicians and nurses for the California Medical Association Care 4 Caregivers program. She has served as faculty for the American Society for Healthcare Risk Management and is published in the American Hospital Society Risk Management Handbook for Healthcare Organizations.

Kathleen has held numerous leadership positions with national and state risk management and quality organizations, including past Board Member for the American Society for Quality (ASQ), Healthcare Division, President of the CA State Patient Care Assessment Council, Board member for the California League of Nursing, adjunct faculty for Woodbury University and the University of San Francisco. She served on the Advisory Board of King International, Inc., and is a Charter Member of the Business Renaissance Institute.



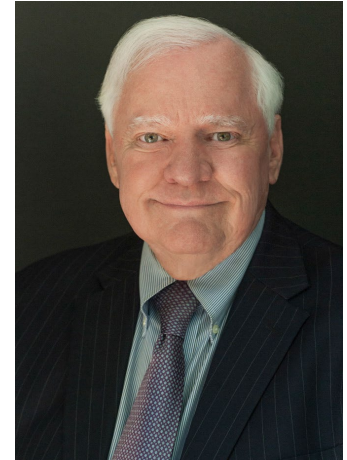
# Richard Cahill, Esq.

## Vice President and Associate General Counsel

Richard Cahill received his undergraduate degree (*summa cum laude*) from UCLA in 1975 and his Juris Doctorate from Notre Dame Law School in 1978. He served as a deputy district attorney in California at the outset of his career and was subsequently appointed as counsel on the Central Legal Staff of the Nevada Supreme Court before entering private practice in southern California.

Mr. Cahill has specialized in various facets of health care litigation for more than 40 years, including the defense of hospital and physician professional liability claims, managed care contract disputes, network privileges issues and related business torts. His principal clients included Cigna Health Plans, Kaiser-Permanente and Tenet HealthCare. He has completed in excess of 185 trials and binding arbitrations during his career with a combined win-rate of 92% and has been appointed as an arbitrator in more than 350 cases involving complex healthcare issues.

Mr. Cahill is currently Vice President and Associate General Counsel with The Doctors Company and provides legal support to the Claims and Patient Safety Departments, oversees company appellate litigation, researches and submits original content for publication and also lectures frequently around the country on topics related to the health care community. He has a preeminent rating with Martindale-Hubbell, the premiere peer-reviewed attorney rating service in the United States.



# Keith Carlson, Esq.

Keith W. Carlson, founding partner with the law firm of Carlson & Jayakumar LLP, practices all aspects of employment law, healthcare law, and related litigation. Mr. Carlson deals extensively with general employment issues, as well as employment and corporate issues affecting the healthcare industry. He also has experience – in both state and federal courts – in matters involving trade secrets, unfair competition, wage-and-hour claims, sexual-harassment claims, race-discrimination claims, disability-discrimination claims, wrongful-termination claims, business litigation, and representation before administrative agencies.

In addition to his litigation experience, Mr. Carlson regularly advises clients on contractual matters affecting professional employee compensation, specifically with respect to compliance with federal and state fraud-and-abuse laws. He is a regular guest lecturer at both Cleveland Chiropractic College and the Southern California University of Health Sciences (LACC) on multi-specialty practices, employment law, and practitioner-compensation issues. In addition to healthcare topics, Mr. Carlson frequently speaks on employment and political issues. He is a member of the Orange County Bar Association, Labor and Employment Section, and the National Association of Chiropractic Attorneys.

Mr. Carlson received his J.D. in 1997 from the University of California, Los Angeles School of Law. Mr. Carlson received his B.A. from the University of California, Los Angeles where he graduated magna cum laude and was selected to Phi Beta Kappa. He was also awarded the Chancellor's Service Award, for excellence in community service. Mr. Carlson is highly involved in his community. He has served on both the Chapman and Whittier Law School's Board of Visitors, the Irvine Valley College Foundation, and Santa Ana Unified School District's Bond Oversight.



# Best Practice Office Manager Panelists

- **Andrew Brewer**  
Practice Manager  
Oak Health Center  
Multiple sites in Orange County
- **Amy Cuevas, MSN, RN**  
Director of Clinical Services  
Orange County Womens Medical Group  
Multiple sites in Orange County

# Objectives

## After completing this activity, I will be able to:

- Increase my awareness of frequent risk issues for a medical practice
- Understand new 2024 laws for health care and educate staff regarding CA Senate Bill 533 requiring an effective workplace-violence prevention plan and training for employees
- Assess my medical practice for opportunities to reduce risk and enhance the patient experience

Ignorance of the law is no excuse.

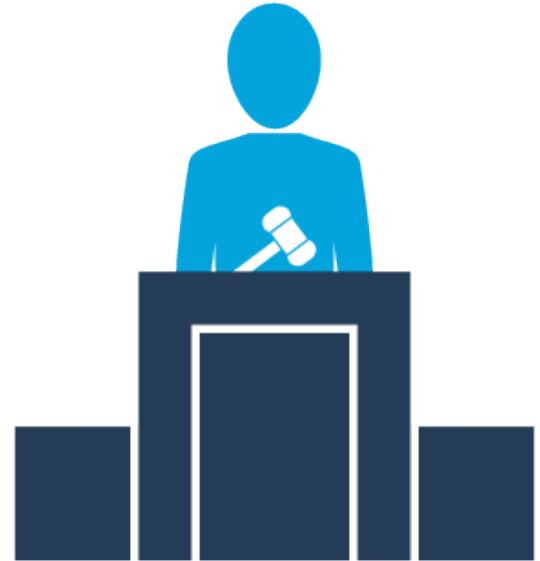
Thomas Jefferson 1743 – 1826  
Third President of the United States



# Why Are We Talking About This?

## Physicians face new compliance requirements in 2024

- CA Business and Professions Code governs physician practice in CA
- Failure to comply with laws is a violation of CA Business and Professions Code
- Ignorance of the law is not a defense
- Compliance is your only option



# Most Common Ethical Violations

- Fraud or deceptive practices
- Subversion
- Unprofessional conduct
- Scope-of-practice violations
- Being unfit to practice
- Improper management of patient records
- Violation of state laws, federal laws, or regulatory rules
- Failure to report violations or errors



<https://www.mbc.ca.gov/News/Newsletter/2022-Vol163.aspx#4>

# Employer Liability for Harassment

- The employer is automatically liable for harassment by a supervisor that results in a negative employment action such as termination, failure to promote or hire, and loss of wages.
- The employer will be liable for harassment by non-supervisory employees or non-employees over whom it has control (e.g., independent contractors or customers on the premises), if it knew, or should have known about the harassment and failed to take prompt and appropriate corrective action.

<https://www.eeoc.gov/harassment>

# Sexual Harassment and Abusive Conduct Prevention

## Sexual Harassment and Abusive Conduct Prevention

Presented by law firm of Carlson & Jayakumar. Please see links to slides and recording below.

### OCMA Recording Link and Slides

**Click here to view the PowerPoint from this presentation.**

**Click here to view the recording of this presentation.**

[www.ocma.org/news-events/ocma-blog/tdc-slides-for-sexual-harassment-and-abusive-conduct-prevention.aspx](http://www.ocma.org/news-events/ocma-blog/tdc-slides-for-sexual-harassment-and-abusive-conduct-prevention.aspx)

# CA Employment Laws Effective January 1, 2024



# What's Happening in Healthcare Law in 2024

## Employment Laws

- Paid Sick Leave
- Non-competes
- Workplace Violence



# SB 616 Paid Sick Leave

- Employers may continue providing one hour of paid sick leave for every 30 hours worked. Must provide at least 40 hours of paid sick leave by the 200th calendar day of employment
  - The previous requirement that employers provide at least 24 hours of paid sick leave by the 120th calendar day of employment still applies
- Accrual cap increases to 80 hours, previous was 48 hours
- Employers may limit the use of accrued paid sick days to 40 hours or five days (it was previously 24 hours or three days)
  - Employers may still frontload sick leave, but if they do, they need to frontload 5 days/40 hours of paid sick leave each year
  - If employers frontload sick leave, no further accrual is required, and the frontloaded sick leave does not carry over to the following year

# SB 848 Reproductive Loss Leave

**Requires employers with five or more employees to provide a leave of up to five days following a “reproductive loss event”**

- Defined as “the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction”
- Leave is capped at maximum of 20 days within a 12-month period, and employees can take it nonconsecutively
- Unpaid, but employees may use vacation, personal leave, accrued sick leave or other paid time off
- Information provided to employer relating to leave must be maintained as confidential and must not be disclosed except to internal personnel or counsel, or as required by law
- Prohibits retaliation for exercising rights to the leave



# SB 525 Minimum Wage for Health Care Workers

- Increases minimum wage for healthcare workers to \$25 per hour, with incremental increases thereafter. The increases occur over the next two to nine years. The timing depends on the type of healthcare entity:
  - Physician groups part of large health systems (10,000+ employees) and dialysis clinics must hourly pay \$23 by next year and increase to \$25 for all employees by 2026;
  - 25+ physician groups and community clinics must pay \$21 next year and increase to \$25 by 2028;
  - Hospitals with high percentages of Medi-Cal and Medicare patients (90 percent or greater) and rural hospitals start at \$18 next year, increasing to \$25 by 2033; and
  - All other healthcare employers would increase their minimum wage to \$21 per hour in 2024 and \$25 by 2028.

# SB 828 Delayed Implementation of SB 525

- **May 31, 2024** : Governor Newsom signed SB 828, which delayed implementation of SB 525 from June 1, 2024, to July 1, 2024
- **June 23, 2024:** CA Legislature pushed implementation deadline to October 15, 2024, if CA revenues are at least 3 percent higher than officials estimated for July-September 2024
  - Otherwise, implementation will be pushed to January 1, 2025

<https://www.employers.org/news/2024/06/27/newsletter/health-care-raises-delayed-again/>

# Final Wage Increase Deadlines to Be Determined

Type of Employer	Deadlines
Large Employers & Integrated Health Care Systems <i>To determine if you qualify, <a href="#">refer here</a>.</i>	October 15, 2024, OR January 1, 2025: <b>\$23/hour</b>
Hospitals <i>To determine if you qualify, <a href="#">refer here</a>.</i>	October 15, 2024, OR January 1, 2025: <b>\$18/hour</b>
Clinics	October 15, 2024, OR January 1, 2025: <b>\$21/hour</b>
All Other Health Care Facilities	October 15, 2024, OR January 1, 2025: <b>\$21/hour</b>

<https://www.employers.org/news/2024/06/27/newsletter/health-care-raises-delayed-again/>

# CA Senate Bill 533

## Effective July 1, 2024

# SB 553 Workplace Violence Prevention Plan

- Requires employers to develop, implement and maintain an “effective” workplace-violence-prevention plan, train employees, and create and maintain extensive records regarding workplace violence, beginning July 1, 2024
  - In writing and made easily accessible to employees
- Covers virtually all employers
- Under the law, “workplace violence” is defined as “any act of violence or threat of violence that occurs in a place of employment that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury”

# SB 553 Prevention Plan Components

## The plan must include the following components:

- Names or job titles of the persons responsible for implementing the plan
- Effective procedures to obtain the active involvement of employees and representatives in developing and implementing the plan
- Methods the employer will use to coordinate implementation of the plan with other employers, when applicable



# SB 553 Prevention Plan Components Continued

- Procedures to handle reports of workplace violence, and to prohibit retaliation for reporting
- Procedures to ensure employees comply with the plan
- Procedures to communicate with employees regarding workplace violence matters
- Procedures to respond to actual or potential workplace-violence emergencies, including, but not limited to, the following:
  - Develop and provide the training required
  - Identify, evaluate, and correct workplace violence hazards
  - Post-incident response and investigation
  - Review the effectiveness of the plan and revise the plan as needed

# SB 553 Violent-Incident Log Requirements

For every “workplace violence incident,” the violence-incident log must include:

- The date, time, and location of the incident
- The type of workplace violence
- A detailed description of incident
- A classification of who committed the violence
- A classification of circumstances at time of incident
- Where incident occurred
- The type of incident, including, but not limited to, whether it involved a physical attack, threat of physical force, sexual assault, etc.
- Consequences of incident, including whether security or law enforcement was contacted and their response
- Information about the person completing the log



# SB 553 Training Requirements

- Training must be conducted when the plan is first established and annually thereafter. Additional training must be provided when a new or previously unrecognized workplace-violence hazard has been identified and when changes are made to the plan
- The initial training **must include**:
  - The employer's plan, how to obtain a copy of employer's plan, how to participate in development and implementation of plan
  - How to report workplace-violence incidents or concerns to employer or law enforcement
  - Workplace-violence hazards specific to employees' jobs, corrective measures the employer has implemented, how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm
  - Violence-incident log and how to obtain copies of required records
  - An opportunity for interactive questions and answers with about employer's plan

# SB 553 Records Requirements

- Employers must create and maintain training records for a minimum of one year, and the following records must be maintained for a minimum of five years:
  - Records of workplace violence hazard identification, evaluation, and correction
  - Violence-incident logs
  - Records of workplace-violence-incident investigations
- Must make required records available to Cal/OSHA, and records of workplace violence hazard identification, evaluation, correction, training records and violence incident logs must be made available to employees upon request
- Although Cal/OSHA can begin enforcing on July 1, 2024, it must propose its own workplace-violence standards by December 31, 2025, and adopt such standards by December 31, 2026.
- Permits employers to petition for temporary restraining orders (TROs) on behalf of employees. The law now permits union representatives to petition for TROs after hearing on behalf of employees

# Important Strategies to Avoid Risk in Your Medical Practice

- 1. Know the law**
- 2. Follow the law**
- 3. Remember: Ignorance of the law is no excuse and no defense**





CARLSON & JAYAKUMAR <sup>LLP</sup>

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### Orange County

2424 S.E. Bristol St., Suite 300  
Newport Beach, CA 92660  
(949) 222-2008 – Phone

[Map & Directions \[+\]](#)



CARLSON & JAYAKUMAR <sup>LLP</sup>

ATTORNEYS AT LAW

### Los Angeles

500 S. Grand Ave., Suite 2050  
Los Angeles, CA, 90071  
(213) 613-1683 – Phone

[Map & Directions \[+\]](#)

[www.cjattorneys.com](http://www.cjattorneys.com)

# Office Manager Panelists

# Andrew Brewer

## Practice Manager, Oak Health Center Mental Health Services, Orange County, Los Angeles County

Andrew successfully oversees operations in multiple locations for Oak Health Center. The group provides compassionate care for patients seeking mental health support. The group provides psychotherapy, psychiatry, TMS., and addiction services. Andrew has been Practice Manager for four years, streamlining processes, and tripling their annual billing since he joined. Prior to Oak Health Center, Andrew spent 20 years in the non-profit industry in leadership, operations, and communications. He is detail oriented, highly organized, and a compassionate leader working with a large diverse team of health care professionals. Andrew is focused on operations, culture, integrity, support, and a safe working environment for his teams in Orange and Los Angeles County. He has a great appreciation for the high-quality mental health services Oak Health provides to the communities they serve.

Andrew enjoys work-life balance. Outside of work, Andrew enjoys SCUBA, free diving, martial arts, and spending time with his wife and two dogs.



# Amy Cuevas, MSN, RN

## Director of Clinical Services, OB/GYN Orange County

Amy started her nursing career 20 years ago in Labor and Delivery. She went on to hold multiple leadership roles in ambulatory clinics and earned her Masters in Nursing in 2019, while working as manager of the Fetal and Neonatal Care Center in Chicago. In 2020 Amy relocated to Orange County to be Director of the CHOC Fetal Care Center of Southern California. She joined Hoag a year ago as Director of Clinical Services for the expanding Orange Coast Women's Medical group, currently nine OB/GYN clinics, and the Hoag Maternal and Fetal Diagnostic Center in Newport Beach. She is currently working on opening a second Irvine location in October. Amy is dedicated to creating a culture of inclusion, leadership and patient safety as she supports her health care providers and team staff throughout Orange County.

As a devoted wife and mother of two beautiful children, Amy loves to be with her family and share in their many activities. Amy enjoys living in So CA, enjoying the beautiful outdoor, and is an avid reader of fiction and thrillers. She makes annual trips to visit her family in Chicago; family is the center of Amy's universe!



# Andrew Brewer, Practice Manager

## Oak Health Center provides services for:

- Addiction
- Eating Disorders
- EMDR (Eye Movement Desensitization and Reprocessing)
- Psych Assessments
- Sleep
- TMS (Transcranial magnetic stimulation)

## Locations:

- Beverly Hills
- Fullerton
- Laguna Hills
- Virtual

[www.oak.care/](http://www.oak.care/)



# Amy Cuevas, MSN, RN, Director of Clinical Services

## Orange County Womens Medical Group Provides Womens' Health Services

- Obstetrical Care and Midwifery
- Preventative Care
- Diagnostic Testing
- Operative Procedures and Minimally Invasive Surgery
- Mona Lisa Touch
- Nutrition

### Locations:

- Laguna Hills
- Irvine, San Clemente
- Mission Viejo, Foothill Ranch
- Newport Beach, Tustin

<https://ocwmg.com/>

# Q & A

Education is not the learning of facts,  
but the training of the mind to think

Albert Einstein 1879 - 1955  
German Physicist

# Save the Date...

**Best Practice: Office Manager Forum  
Virtual Webinar  
Thursday, December 5, 2024  
12:00 - 1:30 pm**

# Office Manger Resources

## **July 1, 2024, Workplace Violence Prevention Plan In Place**

<https://cjattorneys.com/july-1st-deadline-for-workplace-violence-prevention-plans>

## **Combating Workplace Violence in the Healthcare Office Practice**

<https://www.thedoctors.com/the-doctors-advocate/first-quarter-2024/combating-workplace-violence-in-the-health>

## **Occupational Safety and Health Administration: Workplace violence.**

<https://www.osha.gov/workplace-violence>

## **Occupational Safety and Health Administration. Workplace violence in healthcare: understanding the challenge.**

<https://www.osha.gov/sites/default/files/OSHA3826.pdf>

## **Proactively Manage Patient Expectations With a Conditions of Treatment Agreement**

<https://www.thedoctors.com/the-doctors-advocate/first-quarter-2024/proactively-manage-patient-expectations-with-a-conditions-of-treatment-agreement/>

Our Mission is to Advance, Protect, and  
Reward the Practice of Good Medicine.

Best Practice: Office Manager Forum

Thank you!

Kathleen Stillwell, RN, MHSA, MPA, CPHRM

[kstillwe@thedoctors.com](mailto:kstillwe@thedoctors.com)

800-421-2368 ext. 4254

Cell 562-900-3008



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