

Creating a Culture of Wellness in Healthcare Settings

Liability issues of prescribing physical activity

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Conflicts of Interest

- None

Thank you to Dr. Phillips for his expertise
and guidance.



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Patients assume our agreement to exercise:

- Exercise equipment routinely has legal warning: “Ask your doctor if it is safe for you to exercise.”
 - Therefore we are tacitly included already if the patient assumes that we are sanctioning exercise
 - We should therefore be more explicit by recording in our medical record that the patient was screened and exercise was prescribed.

WARNING: If you feel any unusual pain, shortness of breath or dizziness STOP! Consult your physician.

Nautilus.com

Elements of successful litigation:

- Successful law suits require two essential elements:
 - Has there been an injury?
 - Has the doctor violated the community standard?
 - The broad campaigns such as Exercise is Medicine and local campaigns set the expectation that MD's should prescribe exercise. www.ExerciseisMedicine.org
 - US Surgeon General Regina Benjamin is Honorary Chair of Exercise is Medicine
 - Local campaigns such LifeFit at Bryan LifePointe



Referral to another practitioner transfers liability:

- What if they are not insured, e.g. personal trainer?
- What if the recommendation is for walking in the park and there is no program or person taking responsibility?

Screening for medical risks must be done:

- Exercise Rx needs to include recognized standards of screening
 - Physical Activity Readiness Questionnaire (PAR-Q) at the facility or program
 - ACSM Screening Algorithm (covered in Exercise Prescription talk)
 - Cardiology or other specialist assessment

Nebraska Case Law:

- Has a physician been sued for prescribing exercise?
- Has a physician been sued for NOT prescribing or recommending exercise?



Are you prescribing sedentary behavior?

- Is this patient safe to remain sedentary?
 - The risks of sedentary behavior is universal.
(tacitly endorsed by the physician who does not warn against sedentary behavior)
 - The risks of serious consequences from exercise are very rare.