

LAMA's DRAMA

Left AMA – Documentation & Rules of AMA

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Conflict of Interest

- No Conflicts of interest

Objectives

- Impact / significance of the problem
- Epidemiology of the Patients leaving AMA
- Reasons for leaving AMA
- Best Practices to adopt
- Liability
- Myths

Ms.Jones

- My Day 1 – usual 18 patients to round
- RN page – Pt. wants to leave AMA

- 35 Y O F with H/O IVDU
- Admitted 3 days ago for fever
- Gram +ve bacteremia on IV Vanc + Zosyn

Impact

- 1.4 % of all discharges¹ (500K / year)
- High risk of readmissions (20-40% higher)
- Longer LOS in re-admission
- Higher cost of care – 56% higher than expected²
- Higher Morbidity and mortality (10% higher)
- Problematic for patients, Stressful for providers, Resource intensive for Health systems

1. Ibrahim SA, Kwoh CK, Krishnan E. Factors associated with patients who leave acute-care hospitals against medical advice.

Am J Public Health. 2007 Dec;97(12):2204-8. doi: 10.2105/AJPH.2006.100164. Epub 2007 Oct 30. PMID: 17971552; PMCID: PMC2089112.

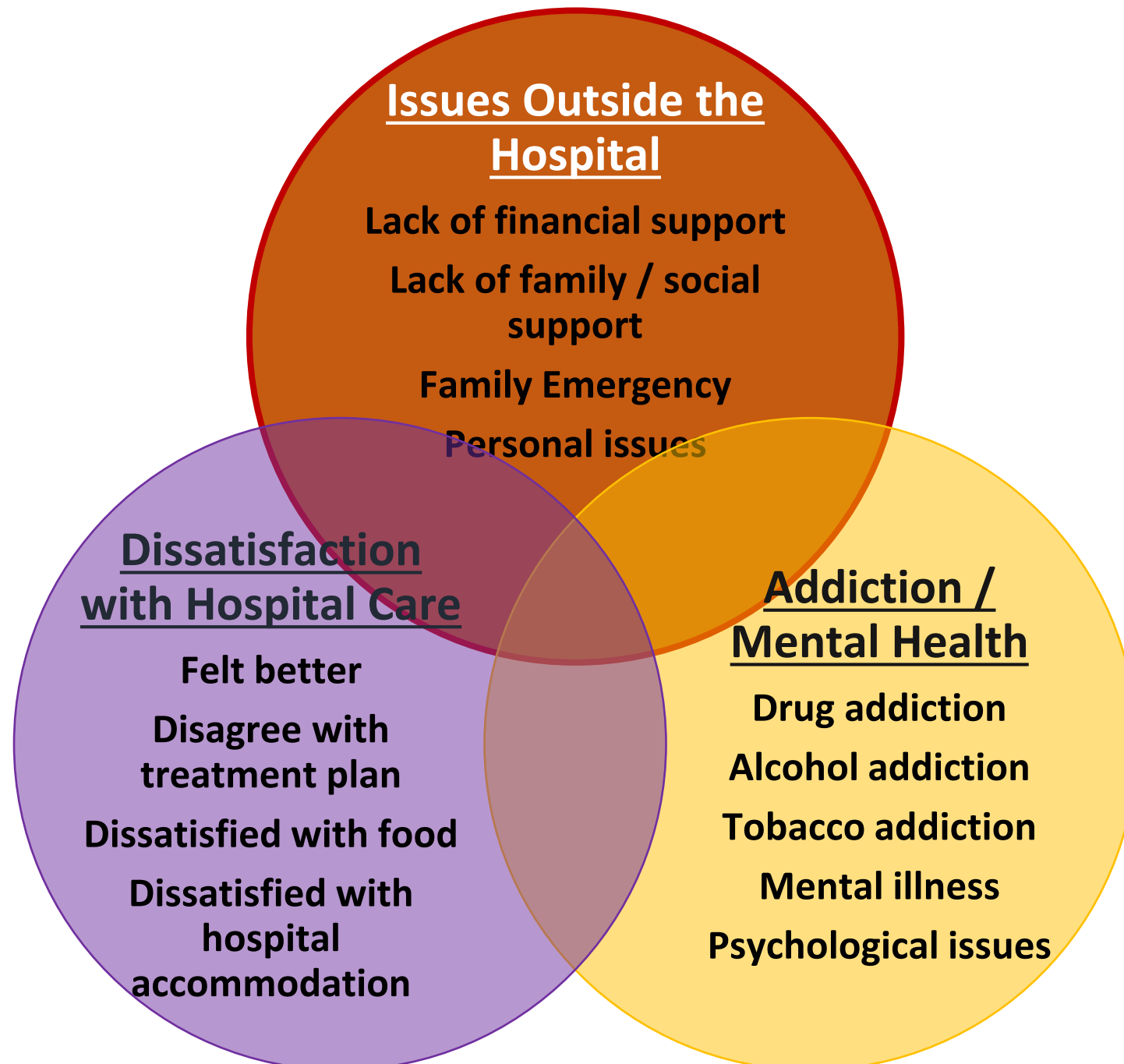
2. Discharges Against Medical Advice: Considerations for the Hospitalist and the Patient, <https://doi.org/10.1016/j.ehmc.2015.03.003>

Epidemiology

- Younger
- Male
- Low socio-economic status
- Non-White & Non – English speaking
- Medicaid / no insurance
- Substance abuse / dependance
- Lack of PCP
- Previous AMA Discharge

Patient Reasons

- Refusal to wait for administrative delays
- Domestic concerns
- Social concerns [methadone clinic / welfare check]
- Conflict with care providers
- Disagreement with providers judgement of health status
- Mis-trust of health system
- Substance dependance with inadequate Rx for withdrawal
- Patient's perception of respect, stereotyping / Stigma
- Ambience / Diet



Provider reasons

- Conflict with patient
- Fulfil legal responsibilities
- Ethical responsibilities
- Demonstrate the concern
- Formally distancing from nonstandard plan
- Deflecting blame for worse outcomes
- Right thing to do as patient chose to prematurely discontinue Rx
- Medicare HRRP exclude index admission if AMA discharge

Ms.Jones

- My day 2: 13 old patients; 3 new patients
- Nocturnist - signing out
- Ms.Jones came back – had argument and left ED

- My day 3: another busy day
- Ms.Jones is again in ED
- Spoke with ED and admitted Ms.Jones

What could I have done differently on day 1

Best Practices

- Determination of capacity
- Clear discussion of risks of OP treatment
- Exploration of safe alternative care plan
- Patient centered care
- Shared decision making [eg: NRT / needle Exchange]
- Harm reduction
- Treat all Discharges similarly
- Excellent documentation

August 6, 2018

Physician Sued After Letting Patient Leave Against Medical Advice

Ann W. Latner, JD

[FINDLAW](#) / [CASELAW](#) / [NEW YORK](#) / [NY SUPREME CT.](#) / [HAWKINS V. BROOKLYN CALEDONIAN HOSPITAL](#)

HAWKINS v. BROOKLYN CALEDONIAN HOSPITAL

BATTENFELD v. GREGORY

[View Case](#)

[Cited Cases](#)

[Citing Case](#)

Case Reports

> [J Fam Pract. 2000 Mar;49\(3\):224-7.](#)

Does identifying a discharge as "against medical advice" confer legal protection?

[P J Devitt](#)¹, [A C Devitt](#), [M Dewan](#)

Review

> [Psychiatr Serv. 2000 Jul;51\(7\):899-902. doi: 10.1176/appi.ps.51.7.899.](#)

An examination of whether discharging patients against medical advice protects physicians from malpractice charges

[P J Devitt](#)¹, [A C Devitt](#), [M Dewan](#)

Affiliations + expand

PMID: 10875955 DOI: [10.1176/appi.ps.51.7.899](#)

Liability

- Simply filling AMA form does not provide legal protection
- Providers can be held responsible for adverse outcomes
- Defendants prevailed **not because of AMA designation**
- But because plaintiff was **not able to prove negligence**
- Proper execution of discharge process conferred liability protection
- Assessment and documentation of Patients capacity is crucial

Myths

Myth 1: Insurance does not pay for AMA

- Two studies identified that house officers and attendings believe this
- They incorrectly inform patients as well

Multicenter Study

> J Gen Intern Med. 2012 Jul;27(7):825-30.

doi: 10.1007/s11606-012-1984-x. Epub 2012 Jan 31.

Financial responsibility of hospitalized patients who left against medical advice: medical urban legend?

Gabrielle R Schaefer ¹, Heidi Matus, John H Schumann, Keith Sauter, Benjamin Vekhter, David O Meltzer, Vineet M Arora

- 526 cases
- Payment refused in 4.1% of cases.
- Reasons for refusal were largely administrative
- No cases of payment refusal were because patient left AMA
- ~ 70% Residents and 44% attendings believed insurance denies payment when a patient leaves AMA

> [Ann Emerg Med. 2010 Apr;55\(4\):393. doi: 10.1016/j.annemergmed.2009.11.024.](#)

Insurance companies refusing payment for patients who leave the emergency department against medical advice is a myth

[Herbert Neil Wigder, Douglas A Propp, Kim Leslie, Anitha Mathew](#)

- ED Based study
- 104 Cases
- 19 different insurances
- 57% attendings believed that insurance will not pay AMA

Myths..

Myth 2: Patients lose their right to follow up with AMA¹ discharge

Myth 3: Medications must not be prescribed

- 2nd best is better than no therapy
- Some follow up better than no follow up

1. Stearns CR, Bakamjian A, Sattar S, Weintraub MR. Discharges Against Medical Advice at a County Hospital: Provider Perceptions and Practice. J Hosp Med. 2017 Jan;12(1):11-17. doi: 10.1002/jhm.2672. PMID: 28125826.

Discharge AMA checklist - DRAMA

Decision

- Assess Patient's decision making capacity

Reasons

- Assess for reasons or influences

Alternate Rx

- Assess for appropriate OP alternative Rx

Mitigation

- Mitigate influences of reasons and alternate options

Aftercare

- Facilitate post discharge care and follow up

Ms.Jones

- 90 minutes at bedside
- Consulted addiction medicine
- Started Methadone
- Social work involved
- PICC line was placed
- Discharged to SNF for 4 wks Abx

Take Home Points

1. Acknowledge the reasons for patients AMA
2. Determine the capacity to make decisions
3. Provide next best option
4. Arrange for follow up
5. Evidence that insurance will pay for AMA discharges
6. Simply filing AMA will not provide legal protection
7. Proper execution of discharge process with excellent documentation is the best legal defense

Thank You

- Questions?