

55: EPISODE 4

with Jon Kec, D.C.

CHIROPRACTICAL

CRISIS OR OPPORTUNITY? TOP 3 RISK MANAGEMENT CHALLENGES FOR DCS



Jon Kec:

Is it a crisis or is it an opportunity? In a world of constant change, we as chiropractors have to stay up to date on all facets of our practice. On this episode of Chiropractical, NCMIC's very own Mike Whitmer joins us to share three challenges facing risk management and practices today. I'm Jon Kec, and this is Chiropractical.

I'm Jon Kec, a chiropractor for the last 10 years and your host of Chiropractical, the podcast that helps you be better at what you do with new ideas and new tools. We aim to educate and inspire as well as inform chiropractors by sharing expert insights, personal stories, and the latest research in the field.

Chiropractic care is constantly evolving and staying informed is a key to being an effective provider. With that in mind, Are you staying current in the world of risk management? Are you changing to the needs and wants of your patients?

On this episode of Chiropractical, you'll probably recognize a familiar voice of Mike Whitmer. Mike Whitmer, or simply Whitmer as we tend to call him around NCMIC, is headed for retirement after 24 years with the company. Mike has spent countless hours on the road and in his travels he's seen a number of challenges in the fields of risk management. Mike, an early congratulations on that upcoming retirement, and thanks for joining me one more time on Chiropractical.

Mike Whitmer:

Thanks. I appreciate it. Glad to be here.

Jon Kec:

Let's focus in a little bit today. Let's, let's kind of live in your bread and butter world of, of practice management and risk management. I think we as providers really focus on patient care and we, we lose sight sometimes of all the other things that go into managing that patient, both as a patient, but also managing the business side of patient care.

So what kind of things. Do you feel maybe the top three let's say that you want to leave with our listeners Relative to the challenges that they need to make sure that they're ready for for that day-to-day patient care going forward

Mike Whitmer:

I think that any profession, chiropractic is no different. Any profession faces ongoing challenges all the time. That's why we have associations. That's why we have leaders in the profession that are always working to Make the environment as best as possible for chiropractic and chiropractic patients, right?

But I think that the one, one big challenge that we all face in every industry, in every profession, change. Change is constant. We have to embrace it. We have to adapt. Your business model needs to be agile enough that you can capitalize on the change. Or at least not get blindsided by it. You know, at least not get completely caught off guard and then have to deal with an issue in a crisis situation.

You know, it's always best to deal with a situation ahead of time so that when the crisis presents itself, you're ready to go. Well, you know, that's what chiropractors need to do. They need to be able to adapt to change, make sure that they're meeting the needs of the patient, because patients needs are, change and are different from patient to patient, so you need to be aware of that.

You need to be aware of, what's going on in the environment, what stressors are facing your patients. All of that, you know, and , we live in a time of rapid change. So, you know, that is something that's constant, it's never going to change. We're always going to have change.

And along those lines, I mean, aside from being able to provide the best patient care possible by being adaptive and being able to roll with the punches, there are some very, um, you know, real risks involved with not adapting to change and that is primarily in the compliance world.

The compliance environment is always changing. So doctors need to make sure that they, they have a mechanism in place in their practice to keep current. Keep current on what they're doing, make sure that they are adapting to the change so that they don't have an auditor show up or, you know, something else that blindsides them, catches them off guard because they didn't have their eye on the ball. You have to be able to identify the changes that have taken place and identify how they need to adapt to that.

Jon Kec:

Are there any resources you recommend that? People can look to you for changes in compliance for sure, but ultimately just kind of keeping their finger on the pulse, so to say, of the profession at large,

Mike Whitmer:

There, there are lots of resources out there to help doctors with this, but I think that the, the main one available and Really, the resource that has the finger on the pulse of the profession, of the regulatory environment, that's the associations. The state associations, the national associations that serve the chiropractic profession, they do.

Very difficult work. They do very good work. But one of the, you know, where the rubber meets the roads is a lot of associations do have compliance resources. Because that's the job of an association, to really you know, keep an eye on that and notify the profession when change is happening.

Jon Kec:

So, change is change and it's not stopping. else?

Mike Whitmer:

I think that one thing that is impacting us, it's impacting the world of insurance, and that's social inflation. and what social inflation.

In the world of malpractice insurance is that juries in particular, when they're faced with a case where somebody has been injured, even if through the proceeding, it's been shown that the doctor didn't Cause that injury, the juries still want to give something, they wanna help the person out, and that's kind of a changing mentality of our, uh, of our society, of our public.

And so when we are in court, it's becoming, it's always a wild card. As to what that jury is going to do, and when we see, you know, we've all heard of ridiculous runaway nuclear verdicts, so, that's always something that is out there. Something that we're always looking at and, and concerned with.

How can doctors protect themselves? Well, first of all, I think that it all comes back to basics, you know, your risk management basics that, , if the doctors protect themselves from being involved in a malpractice action in the first place because of good risk management protections.

Procedure strategies used in their practice, we're not going to be in front of a jury in the first place, right? So I you know, and if we are if a doctor has done Everything correctly from a risk management standpoint, met standards of care, everything is well documented. Of course, I'm gonna work documentation into this conversation 'cause that's what I do.

Jon Kec:

It's your favorite.

Mike Whitmer:

If we've got those good risk management foundations in place, hopefully we're never gonna get to the point where we're in front of a jury that could go nuclear on the doctor. But more importantly, if we are in front of a jury, if a doctor. Is if we're able to. portray them, paint the picture of them in court as somebody who does things right, who is on top of things, and is keeping the best interests of the patients at the forefront of their processes, of their procedures, and we've got good documentation, we've got good informed consent, we've got all those good things, chances are we're not going to be facing a jury with a, the potential of a huge, um, nuclear verdict.

So pay attention to the basics, folks. Pay attention to the risk management. Yeah, I've said it a million times, it's going to be on my tombstone document, document, document.

Jon Kec:

I think that's, you know, the other side of social inflation, right, is, is reimbursement costs. Right. And I think people really try to balance that. It's we're, we live in a world where reimbursement is declining for most, let's say everybody, cause it's probably the truth. So trying to find that, that balance to make sure that you're covering costs can lead to some of that. substandard, let's say, or less than ideal, uh, risk management strategy, right? We, we, we shorted documentation or we're going to do it later. We may not communicate quite the way we would have if we'd have a few more minutes with that patient. It's keeping all that stuff in mind because the time you can't go back and fix it is when you're in front of that

Mike Whitmer:

Absolutely right. Absolutely right. Dr. Lou Sportelli, who I had the honor of working closely with, uh, NCMIC, he used to always tell students, and it's always stuck with me, you never let the economics drive the ethics. When you are in front of a patient, your duty, your ethical responsibility is to that patient in that room right now.

It's not about what you're gonna get paid for. It's not about how do you get more out of this patient monetarily. It's about what's doing right for that pa, what's right for that patient, and taking care of that patient and keeping that ethical standard and that ethical, priority above. Okay, but I could make more money off of this patient if I do this, don't let the economics drive the ethics.

Jon Kec:

So change is constant. sure we're, we're best practices, I guess we'll say, to protect ourselves and insulate ourselves as, as best we can. our third big point?

Mike Whitmer:

Emerging technologies. Huge issue, huge issue, um, especially as we look at the, the potential for AI in healthcare is tremendous, but there's also tremendous risk. , the emergency emerging technologies, they present a tremendous opportunity, but like everything else, we also have to balance and manage the risk. Yeah, and I've seen some wonderful things going on with AI with record keeping and diagnosing and, you know, just really understanding what's going on with the patient. And that's all wonderful things. But I do see the risk of a doctor basically ceding their responsibility as a doctor to AI.

And I think that that's a really risky situation. I think that that is potentially dangerous for the patient. at the end of the day, you're never going to replace the human connection between provider and patient, you know, in this profession, especially in this profession where it's expected that It, you know, as a chiropractic patient, when I go into my chiropractor, I expect a much different experience than what I expect when I'm going into a medical doctor's office.

I expect higher touch. I expect more interaction. I expect more conversation with my doc, and I expect my doctor to be a human. You know, that's one of the advantages we have, those connections and those relationships and technology definitely is changing

And that's what the patient expects, you know, so, um, so I think that there are some tremendous opportunities, but like with everything where there's opportunity, there is a downside, there is risk.

You know, I'd go back to a, uh, a landline, you know, mounted on the kitchen wall if I could and get rid of my cell phone. But, you know, that's not the reality of the world we live in today. We, we need to use the technologies. We need to adapt to them, but we need to do it smart. We need to make sure that we're paying attention to the risk.

With AI and record keeping, you know, there's same thing that we faced, you know, as we transitioned from handwritten records to electronic records, you can't let the electronic record software become the doctor. You're, you're the doctor, you know, and you are the one receiving.

Jon Kec:

Well, and I think it becomes a conversation and, and a consideration of how do you really balance those resources, right? How do you, how do you leverage the things that are beneficial without letting them become the encounter?

Mike Whitmer:

You know, I think that the, the human connection is part of what makes chiropractic so special, so wonderful, that connection. You know, uh, another thing that, uh, Dr. Sportelli always said that, you know, is always kind of in the back of my mind, people don't know how much you know until people know how much you care, you know?

And if you ceded all of the responsibility for patient communication, patient, you know, interaction to AI, to a computer system, we're missing an opportunity there to really help the patient.

Jon Kec:

What opportunities do you see on the horizon for the profession for providers?

Mike Whitmer:

The first challenge we talked about is also our first opportunity, and that is change is constant. You know, uh, through change, there's more opportunity. Chiropractors need to be smart. about what they do, how they handle change.

Because I think that with change, if they are smart, if they are engaged with their communities, with their profession, so they really understand the impacts of the change, uh, I think that there is huge opportunity for them to capitalize on it and make their practices better, stronger, which of course, is ultimately good for the patient, which is the most important thing.

Where chiropractic is right now in the national conversation, and really worldwide conversation about our health. Patients, the public, we're waking up. The medical model does not have all the answers. There are Other things like chiropractic that can be extremely beneficial to our health.

Guess what? Chiropractic gets people back on their feet faster. Less expensive than other modes, like surgery, which has an astronomical high, uh, failure rate. And, , treating these conditions that in the past, patients and doctors would have gone straight to the surgery route, or straight to something much more invasive, drugs, or whatever the case may be.

The public is open more than ever to things that are, in the past, have been considered alternative, like chiropractic. I don't think chiropractic is alternative anymore. I think chiropractic is, uh, is a foundational block in anybody's healthcare strategy. for themselves, for their strategies to take care of themselves. I think that, um, chiropractors, really have the opportunity to be a foundational piece of anybody's healthcare strategy, as chiropractic kind of becomes more mainstream, can providers do to really capitalize on that newfound exposure? Right?

So, do we go out and try to market differently? Do we build relationships differently? What, what is, at least in your experience so far, what's been successful?

Jon Kec:

And then what would you recommend if it's something you maybe haven't seen people trying yet.

Mike Whitmer:

I think that that's all of the above, you know. Uh, the environment is right to start, branching out. I talk to so many chiropractors who are hesitant to network with the medical community. in their communities. Uh, they are, concerned that they will be rejected or that they won't make any headway or anything like that.

And, the, the thing is, you, I think that doctors need to try. And there are more tools available now to have those conversations and really what this is, is an educational process where you are educating other health care providers in your community about what chiropractors do and how you, you can work with within the patient's healthcare framework to help the patient.

If anybody listening has not read the book Contain and Eliminate, the story of the Wilk v. AMA lawsuit, I think that that should be mandatory reading for any chiropractor because it really shows where we were To where we are now and where we continue to evolve to and the opportunity is there and barriers were brought down through the litigation of WILC v. AMA so that now the stage is set so that chiropractors can work integratively if they want.

They can still work as, you know, what we think of the typical chiropractic office in the past, you know, the, the loaner, the independent office, um, you can still work in that model, but you can branch out and you can have these conversations, you know, talk to, the O-B-G-Y-N practice in your community about how chiropractic can help pregnant women.

You can talk to orthopedists about how chiropractic could be the best frontline defense for back pain, before we start cutting, before we start the more invasive procedures. All these things are beneficial to patients, but a lot of times, medical providers in our, in our communities, May not be educated, but my point is now is probably better time than ever.

To educate them because guess what? They're hearing about it from their patients

Jon Kec:

I think two things to that, right? You mentioned the, concern or the fear around kind of talking to other providers and, and, and networking in that way. going to find somebody,

Mike Whitmer:

Absolutely. With that said, they're getting the patient demand. Patients are asking for these alternatives. People, I think, are more and more hesitant, it's not the right word, but it's the only word that comes to mind right now, to go the surgical route right from the jump to try those other things. So, if there is a demand for something different, That orthopedist or that general MD, they're going to find somebody. They may team up with a PT group.

So get out in front of that. Be that person having those conversations, educating, like you said, on those alternatives and figure out how you do become a part of that team.

How do you plug into that, that hierarchy of treatment and, and hopefully keep patients from having that, that surgical need, so to say, And as a profession, this is something we're getting better at, you

know, and there are resources available to help doctors do this through your state associations, through your national associations, and also the good work that the, that, The folks at the Foundation for Chiropractic Progress are doing, , there are a public facing organization and they put out educational materials and things that you can use on your social media to help educate your communities, to help educate other health care providers, wonderful resources out there to help doctors do this.

Jon Kec:

Is there anything you want to share risk management based opportunities that you see for us to improve the way we're kind of doing things to really, like we talked about, protect ourselves, should we ever find ourselves in that unfortunate situation of, of a lawsuit to, to set us up for success?

Mike Whitmer:

Yeah, absolutely. You know, and there's nothing new here. I mean, there, there is, but yeah, there is, but there isn't, you know, I mean, yes, there's new technology available that is extremely powerful and could be really powerful tools for chiropractors and their practices from a risk perspective. But of course, with everything is, , we've probably know by now there's a downside, you know, and the same with AI, you know, don't rely too heavily on the HR, make sure that you and your, your, staff know how to use it to the fullest of its ability.

Invest in the training. Don't just buy it at a trade show on the weekend, install it over Monday morning, and you're up and running it on your patients. You know, 10 o'clock Monday morning. You need to know how to use it. You need to know how to implement it. And, you know, the vendors help with that. So, , yeah, there are new tools available, but we need to know how to use the tools.

So, I think that, , just there are so many, you know, more opportunities for education. There are more opportunities for, , electronic and technological tools to help doctors streamline their practices. There's a lot out there that will continue to change and evolve that will help doctors be more efficient, deliver more effective patient care.

But just always remember, you know, little black cloud here. There's a downside and you need to know what you're doing with the tech, technology that you're using. I always remember back to Harry Potter who said, "Never use magic you don't understand." You know, or that's what he was taught. He didn't always abide by it.

Jon Kec:

Yeah. Invest that time. Be an expert.

Mike Whitmer:

Absolutely. Yep, be an expert.

Jon Kec:

Well, thank you so much for, for joining me today. But before we, uh, we sign off, , let's meet Mike the guy, the man, not the risk management man, a little bit, um, 24 years. It's been, I'm sure a crazy. Time a wild ride, so to say, but what are you really going to take away from your time here with us at NCMIC?

Mike Whitmer:

Oh my gosh. Uh, so many things. You know, uh, you know, and I think that Probably the main, main thing are the relationships. They've built the friendships I've built. Um, I've just had such a marvelous opportunity To be out there to be in front of the profession to be in front of students. Um and learn about the chiropractic profession Learn about the amazing difference chiropractic can make in people's lives.

Yeah, I think that that's probably, when we're looking at the big picture, you know, that's probably the main takeaway for me over 24 years, is what a wonderful profession. What a powerful profession chiropractic is. You know, it's become a part of my life. It will be a part of my life, uh, for the rest of my life, even if that's just I'm a patient, you know, it's become a part of my life and it's, it's an important part.

Jon Kec:

Well, you again for, for everything. I don't, I don't think I can truly kind of convey you, you use this word before, and I think it's a perfect way to sum up the impact you've had on us here. You have been a foundational pillar. Of this company for your time here, you have been an amazing impact on doctors throughout their time from students through their career, and we can't thank you enough.

Mike Whitmer:

Thanks, Jon. It's been a pleasure to be here. It's been an opportunity of a lifetime, one that I can't quite still believe is coming to an end. Um, but. It's just been a wonderful 24 years, but I'm looking forward to the next chapter as well,

Jon Kec:

Thanks, Mike. Have a great day.

Social inflation, change, and emerging technologies can all pose tremendous challenges to chiropractors in the future. But on the opposite end of that same spectrum, there are a number of opportunities that you can embrace to help you adapt to this change and become more successful and better help your patients.

With more tools available to you than ever before, you can manage risk and be prepared for any unknown challenge that may come up. Staying current and aware will keep you one step ahead. for listening to this episode of Chiropractical. If you'd like to watch this episode as well as our previous episodes, Please visit our NCMIC YouTube channel.

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