The Death of the Curbside Consult
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We all do it...
- Curbside, or “unstructured” consults are common
  - Risk for incomplete or inaccurate care.
  - Alter the care process in some way...60% of the time.

Why we do it?
- Unique clinical situation.
- On the fringe of comfort zone.
- Demanding/critical patient/family
- Reassurance
- Camaraderie
What constitutes responsibility?

Let's talk legalisms

- **Negligence**: An act or omission (failure to act) by a medical professional that deviates from the accepted medical standard of care.
- **Duty**: A legal obligation that entails mandatory conduct or performance.

Example:
- Orthopod on call reduces PW fx dislocation
- Next a.m., asks traumatologist “Does this need to be fixed?”
  - No...schmutz in the joint (infrafoveal). Mobilize, hip precautions. FU with sports partner to remove arthroscopically.
Several weeks later:

- Call from risk mgmt
  - Your patient died of a PE at other facility.

Wait:

- Which patient?
  - The guy with the hip dislocation.
  - Oh, you’re mistaken. That was Dr. A’s pt.
  - He told us that he had transferred care to you.

Bad to worse:

- DC summary dictated posthumously:
  - “FU with Dr. Swenning as I have transferred care to him.”
Law suit

• Pt not given VTE prophylaxis, discharged home.
• Orders in the chart to mobilize with PT, DC bucks, ADAT.
  • Unfortunately from my PA

Negligence?

• Act or omission?
• Deviate from standard of care?

• Most likely?

Duty?

• Obligation with mandatory conduct or performance?

• Hmmmmm......
ER/Surgeon

- ED attending asks Surgical attending about wound closure
- ED doc follows advice
- Wound: Pus
- Negligence: Maybe
- Duty: Maybe/Yes

Responsibility/Abandonment:

- “Abandoning or neglecting a patient under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, or abandoning a professional employment by a group practice, hospital clinic or other healthcare facility, without reasonable notice and under circumstances which seriously impair the delivery of professional care to patients or clients.”

Food for thought:

- If any question at all with regard to the acuity/complexity, etc...
  - Insist on a formal consult.
  - Protection for all three parties
  - Once a duty is owed, we can be held responsible