



Solving Legal and Business Problems of Health Care Providers for Over 30 Years

140 West Germantown Pike, Suite 200  
Plymouth Meeting, PA 19462-1421

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

1.800.473.0032

## Update Your Practice's Personnel Policy Manual

Every medical practice should have a personnel policy manual spelling out the rules and regulations of everyday employee matters in your practice. To be effective, your policy manual should be reviewed periodically and updated, as needed. Your practice must be willing to enforce all of the terms of the policy manual.

Review your current policy manual to make sure it includes these key provisions:

### "At Will" Employment

Your policy manual should clearly state that all employees are employees "at will," and that the practice can end their employment at any time, for any reason. Your policy manual should also clearly state that it is neither a *contract* of employment nor an employment *agreement*, and that the manual may be changed at any time, without notice, by the practice. These two clauses are needed to mitigate a claim of wrongful termination.

### Confidentiality

Every medical practice policy manual should specifically state that employees are expected to maintain strict confidentiality of patient and practice information. Also, the manual should require that employees must secure all confidential patient and practice information each night before the office is closed. Employees should recognize that failure to do so may result in their immediate dismissal.

### Permitted Leaves of Absence

Your policy manual should clearly specify the employees' entitlement to leaves of absence. This would include: vacation leave, bereavement leave, military leave, recognized holidays, and sick leave.

Your practice may also need to include a family and medical leave of absence policy, depending on your practice's size and applicable state and federal laws. Under the federal Family and Medical Leave Act, practices with 50 or more employees must grant qualified employees up to 12 weeks of family and medical leave in each 12-month period. Some states have more generous FMLA leave covering employers with fewer than 50 employees. For example, Oregon practices with 25 or more employees are subject to Oregon's Family and Medical Leave Laws.

Make sure your policy manual clearly defines whether or not this family and medical leave is paid or unpaid.

### Sexual Harassment

Your policy manual should have an explicit statement regarding sexual harassment. It should clearly state that sexual harassment, in any form, is unacceptable conduct, which will not be tolerated. Your policy should describe what constitutes sexual harassment and establish how an employee should report incidents of sexual harassment.

Your employees should be aware that the practice will promptly investigate all claims of sexual harassment and will, where appropriate, take remedial measures. These remedial measures may include the termination of an employee who has sexually harassed a fellow employee.

Also, recognize that the practice can be held responsible for sexual harassment of employees by non-employees. This would include the sexual harassment of an employee by a patient.

## **Probationary Status and Performance Reviews**

Your policy manual should inform your employees that their initial few months of employment are probationary in nature. Further, it should state if the employees are entitled to receive any benefits during this initial probationary period.

Your policy manual should state that every employee of the practice is subject to performance reviews. Performance reviews should be conducted on every employee at least once a year, preferably in conjunction with the determination of any annual pay raises. You may wish to consider adding, as an exhibit to your policy manual, a copy of the draft uniform evaluation form that will be used to evaluate every employee.

## **Computer Policies**

Your policy manual should include a statement regarding the use of work computers. Specifically, the manual should inform employees that computer software is subject to copyright laws. Let your employees know that they are not allowed to make copies of any computer software or patient information.

You may wish to include in the manual the back up procedure for computer-stored practice information. At a minimum, your office manager should, at all times, know the location of the practice's back-up materials.

If your practice has Internet access or e-mail capabilities, you should clearly state the rules and regulations for the use of this technology. Clearly inform employees that the Internet and e-mail are to be used for business purposes *only*. Make sure your policy manual informs employees that the practice will be monitoring their computer use and that there is no expectation of privacy in e-mail messages.

If the practice has a website that permits patients to request prescription refills or ask questions, make sure your employees print a copy of all such incoming messages and any replies from the practice and file this correspondence in the patient's chart.

Keep current with changes in the law and in the technology. Make sure your practice adapts to these changes by updating your policy manual.

## **Compliance**

Your policy manual should inform your employees of all state and federal compliance programs. At a minimum this should include the Health Insurance Portability and Accountability Act (HIPAA). The HIPAA privacy laws should be addressed to insure that all employees are aware of what is and is not permitted in disclosure.

## **Summary**

Having clearly spelled-out policies in writing and uniformly applied benefits not only the practice, but the employees as well. You should consult with an experienced attorney or practice management consultant to make sure your policy manual is properly drafted and adequately protects your practice.

---

*A version of this article was submitted for publication. It was reviewed and updated in 2006. Permission is hereby granted for the reprinting and use of this article provided that such distribution is free, and provided that the source and ownership of this material is acknowledged to be The Health Care Group, Inc.®. This article can be found online at [www.healthcaregroup.com](http://www.healthcaregroup.com).*