

# Bullying: A Toxin in the Workplace

This kind of behavior is not limited to children in the schoolyard.



BY LYNN HOMISAK

*To Our Readers:* There are no foolish questions. Chances are that if you have a question or concern in your practice, others are experiencing a similar situation. We're here to help. PM [doctor and staff] readers are encouraged to submit questions to [lynn@soshms.com](mailto:lynn@soshms.com) which will be printed and answered in this column anonymously.

## Subject: "Anti-Bully" Measures

Dear Lynn,

I am the manager of a very large podiatric practice with a very large staff. Most times, we all get along just fine; however, there are times when one of our "Alpha Cat" employees gets a little testy and proceeds to "bully" some of our more passive ones. Naturally, the latter come to me and expect me to run interference. I was hired to manage a medical practice—not a 3rd grade school yard. Any insight you can give that can help me handle this would be greatly appreciated. Thank you.

Sad to say, bullying behavior is not limited to the school yard, among children. It happens in the workplace as well, among "so-called" adults.

While we expect all employees to work in a spirit of coop-

response, established by written policy, addressing these behavioral misconducts one-on-one can still be somewhat confrontational. And confrontation is difficult. Nevertheless, as manager, you must take control in order to ward off

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eration, we recognize that occasionally, grievances DO occur. And because they do not always resolve in a diplomatic way, they may come across as "bullying" in nature. Bullying behavior takes on a number of different forms. For example, intimidation, humiliation, criticizing, gossip, sexual harassment, offensive jokes or vulgarity, and stalking, among others. While zero tolerance may be your

these very negative, hurtful and unacceptable actions in the workplace. If you do nothing, you are in essence permitting it. What you resist, persists.

Any kind of abusive or negative conduct is damaging to the workplace. Not only does bullying behavior inflict emotional and/or physical symptoms on the victim, it weakens productivity and general

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business activities. It can often initiate many of the office plagues so familiar in the workplace, like low morale, increased absenteeism, in-

consider offering some coaching opportunities, while also letting them know they are on watch.

Be sure to document and file written details of this meeting in their personnel file as a first of-

to stay informed; it also assures that policies remain updated. Making edits/changes as a team promotes mutual agreement and greater compliance to office guidelines. Win and win!

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## **Bullying inflicts emotional pain on the victim, and it weakens productivity and general business activities.**

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creased turnover and poor customer service.

Every practice, therefore, has an obligation to assure that certain measures are put in place to address and report any kind of poor behavior. Having effective policies and a workplace violence protection program, for example, that offer fair and equitable treatment allow employees to feel safe in expressing their grievances should they be the target of such bullying. All complaints should be treated seriously. Once a grievance is reported against an employee or coworker, action should be taken promptly ...before the problem has a chance to grow. I suggest using a grievance form as written documentation of the complaint. *(For a complimentary copy of this form, please email [lynn@soshms.com](mailto:lynn@soshms.com) and put "Grievance Form" in the subject line).*

If a complaint is made against a co-worker, or as manager you personally witness any cruel, offensive behavior, it is important to call the instigator out immediately. Barring abrupt dismissal and/or need for law enforcement, follow the disciplinary policy as outlined in your employee handbook or manual.

Depending on the severity of the accusation or observed behavior it may require an immediate termination process. For a minor infraction, arrange a private discussion and use this setting to remind them that your workplace is one that encourages a respectful, supportive culture. Point out that behavior reported (or what you witnessed) goes against office policy. You may

fense. If there is a second offense, the employee is given a written notice of discipline describing their repeated misconduct. They are required to sign it as an acknowledgement of receipt, not necessarily as an admission of guilt. If these measures prove unsuccessful and their undesirable pattern continues, the next step may be permanent discharge. This should come as no surprise to the employee, who, after reviewing disciplinary policy, should be well aware of the consequences of



### **Subject: Copay Overpays**

Dear Lynn,

*Let's say a patient pays his or her required copay, which nowadays can run in the \$50-\$75 range. If an established patient is billed only for a brief E&M visit (which may be*

*less than their copay), are we expected to collect their entire copay or credit their account for the difference? Then again, do we keep the entire copay, since that was the patient's agreed-upon contracted amount?*

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## **If you have collected the patient's copay at the visit (an amount in excess of the allowed amount), you owe that patient a refund.**

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thrice-repeated offenses.

I would implore you to use your staff meetings to review policies from your employee manual. No need to eat the whole elephant in one bite. Place one or two policies on your meeting agenda and take time to discuss. Not only is this a tremendous way for staff

If you have collected the patient's copay at the visit (an amount in excess of the allowed amount), you owe that patient a refund. You cannot keep any monies in excess of your allowed/contracted rate. If patients look at their EOB (and they do) and discover that you

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## THE CONSULTANT IS IN

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are keeping more than you billed, be prepared for an unpleasant call from them. Or worse yet (because they complained to their insurance company), expect an even more unpleasant call from the insurer who will, in turn, look into potential breach of contract. You don't want to go there.

Depending on the amount of the refund, it is also illegal to hold overpayments as a credit and wait for the patient to request a refund. You can ask the patient if they'd like to

funds/Keep in mind that each state operates under its own set of rules, so to be safe, best to check in with yours. **PM**



**Ms. Lynn Homisak**, President of SOS Healthcare Management Solutions, carries a Certificate in Human Resource Studies from Cornell University School of Industry and Labor Relations. She is the 2010 recipient of Podiatry Management's Lifetime Achievement Award and inducted into the PM Hall of Fame. She is also an Editorial Advisor for Podiatry Management Magazine and recognized nationwide as a speaker, writer and expert in staff and human resource management.

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**This comes with an  
up-to-\$10,000/day  
penalty for each day a  
practice fails to report  
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apply the credit to a future visit, but if they say no, you absolutely must refund them.

In May of 2014, the Department of Health and Human Services, Office of Inspector General proposed a policy to authorize civil monetary penalties for failure to report and return a known overpayment within 60 days after the date the overpayment was identified. This comes with an up-to-\$10,000/day penalty for each day a practice fails to report and/or return a known overpayment.

Well to note the following from the OIG:

*A frequently asked question is, "Must a provider refund all monies?" The answer is yes, for both patients and federal payers, i.e., Medicare and Medicaid. For commercial payers, a provider may set a refund threshold—for example, only credit balances of \$10.00 or more shall be refunded—remembering the threshold must be a reasonable amount.*

You can read more at: <https://hcmsnapa.com/blog/regulations-on-re>