

INSTRUCTOR'S GUIDE

RISK MITIGATION

BACKGROUND:

Medical malpractice is important in medicine, but there are ways that physicians can mitigate their risks. Medical errors are very common, and are estimated to be the third leading cause of death in the United States [1]. To err is human, but there are ways to help mitigate their risks after a medical error. Traditionally, physicians have been hesitant to disclose errors to patients due to risk of litigation. One study of patient and physician perspectives around medical error disclosures showed physicians and patients had vastly different definitions of error and different ideas of what and how errors should be disclosed [4]. Physicians desire more training around medical error disclosure [2].

This module was designed to fulfill several purposes. The first is to teach the learner the prevalence of medical errors and the types of errors. The second is to discuss medical error disclosure and the importance of physician-patient communication. Lastly, the learner is given the opportunity to practice medical error disclosure.

We believe that after finishing the module, the learner will have a greater understanding of risk mitigation, medical errors, and patient communication, and be able to incorporate some of the ideas within their own practice.

PURPOSE & GOALS:

Medical errors are estimated to be the third leading cause of death in the United States, but there is little physician training on how to disclose medical errors [1-2]. Good physician-patient communication can help reduce litigation [3]. This module was developed to train residents in the basics of medical errors, apology laws, patient-physician communication, and error disclosure. In completing this module, learners will have the opportunity to practice disclosing medical errors through role playing in two patient scenarios, so they may incorporate these skills into their next patient encounter.

EDUCATIONAL OBJECTIVES:

After completion of the module, the learner will be able to:

- Describe the three types of medical errors
- Understand the difference between patient and physician perspectives regarding medical error disclosure
- Describe apology laws and the two main types.
- Explain the importance of the patient-physician relationship in reducing litigation.
- Demonstrate how to disclose a medical error.

RESOURCE FILES:

1. **Risk Mitigation** Didactic (filename: [risk.mitigation.cts.pptx](#))
 - This didactic provides a review of types of medical errors, patient and provider perspectives on disclosure, the important role of effective communication, apology laws and tips for error disclosure.

- Estimated time: 15 minutes
2. **Summary Handout** (filename: [risk.mitigation.summary.handout.pdf](#))
- This document provides a summary of the teaching points for the module

TOTAL MODULE DURATION: 45 minutes

REQUIRED RESOURCES:

- Computer with capability of running PowerPoint

DESCRIPTION OF MODULE:

Intended Audience

- Emergency medicine residents at any level of seniority

Pre-reading

- <https://www.nytimes.com/2015/06/02/upshot/to-be-sued-less-doctors-should-talk-to-patients-more.html>
- <https://www.nytimes.com/2018/10/04/well/live/doctors-errors-apologies.html>
- <https://www.bmj.com/content/353/bmj.i2139>
- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1201002/>

Recommended Implementation/Timeline

- Pre-module
 - Prior to taking the module, the pre-reading should be made available to the learners to familiarize themselves with the content.
- During the module
 - Goals and objectives of the module are introduced by the presenter (5 minutes)
 - **Risk Mitigation** didactic presented by a senior resident or faculty member (15 minutes)
 - Role playing exercise
 - Learners break into pairs and practice disclosure of a medical error for two different scenarios
 - Scenario 1: Iatrogenic hypoglycemia (5 minutes)
 - Scenario 2: Iatrogenic pneumothorax (5 minutes)
 - Group Questions
 - 2 pairs of learners join to discuss experience with medical error and disclosure in a confidential setting (15 minutes)

CONCLUSIONS:

Effective communication and error disclosure are important strategies for mitigating the risk of malpractice suits. However, these skills are rarely taught in a formal way during residency training. This module introduces the relevant concepts, and allows the learners to

practice error disclosure with one another, and provides an opportunity to reflect on past experiences.

REFERENCES:

1. Makary, M, Daniel, M. “Medical Error – the third leading cause of death in the US.” Depart of Surgery, Johns Hopkins University School of Medicine, Baltimore, MD, May 2016. *BMJ* 2016;353:i2139.
2. White AA, Gallagher TH, Krauss MJ, Garbutt J, Waterman AD, Dunagan WC, Fraser VJ, Levinson W, Larson EB. The attitudes and experiences of trainees regarding disclosing medical errors to patients. *Acad Med.* 2008 Mar;83(3):250-6.
3. Vincet C, Young M, Phillips A. Why do people sue doctors? *Lancet.* 1994;343:1609-1613.
4. Gallagher, T, Waterman A, Ebers, A, et al. Patients’ and Physicians’ Attitudes Regarding the Disclosure of Medical Errors. *JAMA.* 2003;289:1001-1007.