

RISK MITIGATION SUMMARY HANDOUT

Medical Errors

- Medical errors are the third leading cause of death in the United States
- Medical errors come in three types:
 - *Near miss*: error does not reach the patient
 - *Non-harmful error*: error reaches patient, but doesn't cause harm
 - *Harmful error*: error reaches patient and causes harm

Medical Error Disclosure

- Patient and physician perspectives differ
 - Patients: broad definition of error, want to know everything, want an apology
 - Physicians: narrow definition of error, careful with words, afraid to apologize
- Why patients sue
 - They want an explanation for a bad outcome
 - They want to prevent the error from happening again
- Apology laws
 - Laws that allow for expression of sympathy without admission of guilt
 - May cover statements of:
 - Sympathy only
 - Sympathy and admission of fault
 - *Check your state's specific apology laws!*
- 5 components of medical error disclosure statement
 - Explicit statement that an error occurred
 - Basic explanation of what happened and how
 - Apology
 - Description of next steps in the patient's care to minimize effects of the error
 - Explanation of future steps to prevent error recurrence

Patient-Physician Relationship

- Poor communication is a leading cause of litigation
- Patients who have an amicable relationship with their physicians rarely sue
- Statement of empathy reduce litigation, even in ED patient-physician relationships

Pre-reading Resources

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