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Medical Errors: Disclosure May Prevent Lawsuits

Hospitals often take a "deny and defend" approach when faced with allegations of medical negligence. However, offering prompt disclosure and apology for medical mistakes may actually reduce the likelihood of their being sued by irate patients, according to an article from The Washington Post.

Reforms to the way the healthcare industry handles medical errors have been at the forefront following research suggesting that medical mistakes are the third-leading cause of death in the U.S., and cause more than 250,000 deaths a year. For example, the Agency for Healthcare Research and Quality developed a strategy for hospitals and its Communication and Optimal Resolution (CANDOR) toolkit has been adapted in many hospitals across the country. CANDOR was built on a long-standing programme at the University of Michigan (UM), which cut the number of malpractice lawsuits in half and saved about $2 million in litigation costs in the first year of the programme.

The UM's reporting programme was launched by Richard Boothman, executive director of clinical safety and chief risk officer at the university. According to Boothman, hospitals must "normalise honesty" to reduce errors and improve the response when one does occur. It's also important for patient safety officers and risk management staff to meet in the middle more frequently to discuss medical mistakes, he said.

“The whole point of this isn’t to drop malpractice costs, it’s to drive patient safety,” stressed Boothman, who launched the programme after a career defending doctors and hospitals. “We need to hard-wire as quickly as possible the lessons of these cases.”

Programmes that seek to change the typical defensive approach often face stiff opposition from physicians, insurers and attorneys, according to the article. Defence attorneys dislike that disclosure would lead to fewer billable hours, and some physicians fear that apologies will make patients more likely to sue in the event of a mistake, with the apology then used against them in court.

Meanwhile, proponents of programmes worry that hospitals may use disclosure as a means to avoid unwinnable or small malpractice suits.

Source: Fierce Healthcare
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