# HOW TO DISCLOSE A MEDICAL ERROR

Byron F. Stephens MD

Tennessee Orthopaedic Society

Annual Meeting

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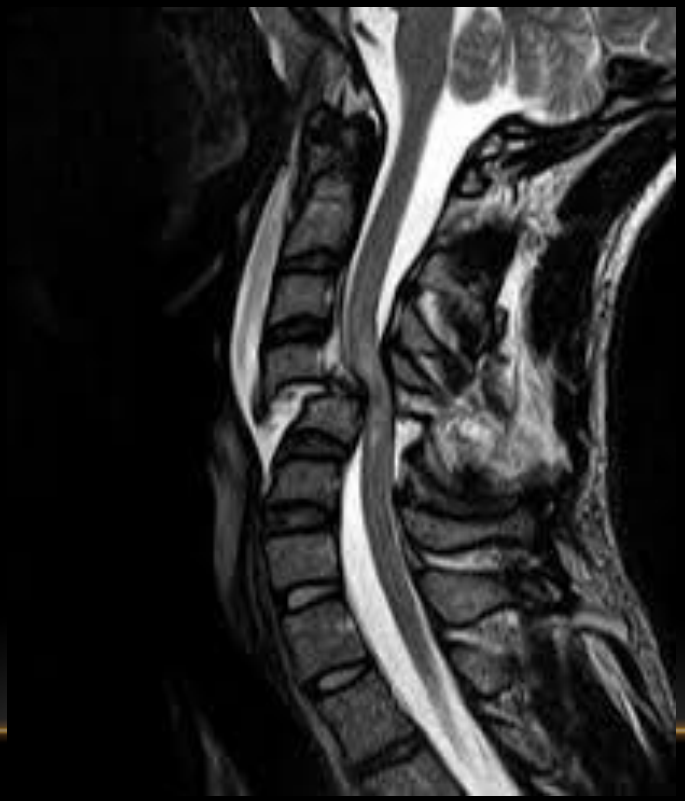
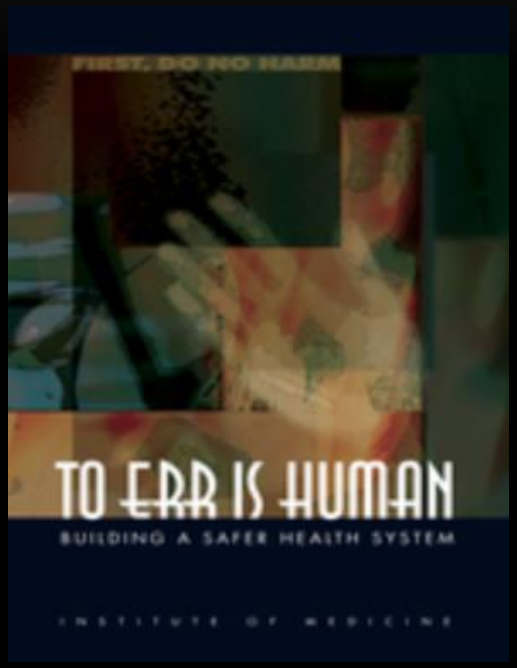
# DISCLOSURES

- Thankfully, I am not an expert on disclosing medical errors



# IOM – TO ERR IS HUMAN

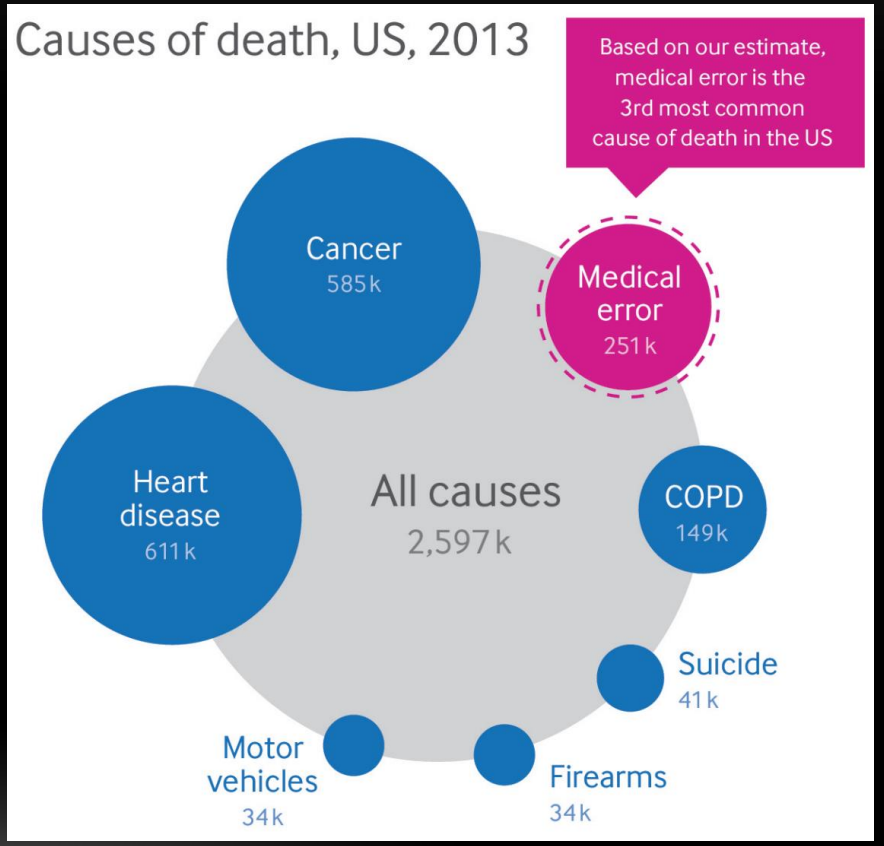
- 1999 IOM editorial report that famously drew light to medical errors
- 98,000 deaths per year from medical errors
- "… the problem is not bad people in health care – it is that good people are working in bad systems that need to be bad safer."



# Medical error—the third leading cause of death

*BMJ* 2016;353:i2139 doi: 10.1136/bmj.i2139 (Published 3 May 2016)

- 2016 BMJ report
- Labels medical errors as the third leading cause of death in the US
- 251,000 deaths / year



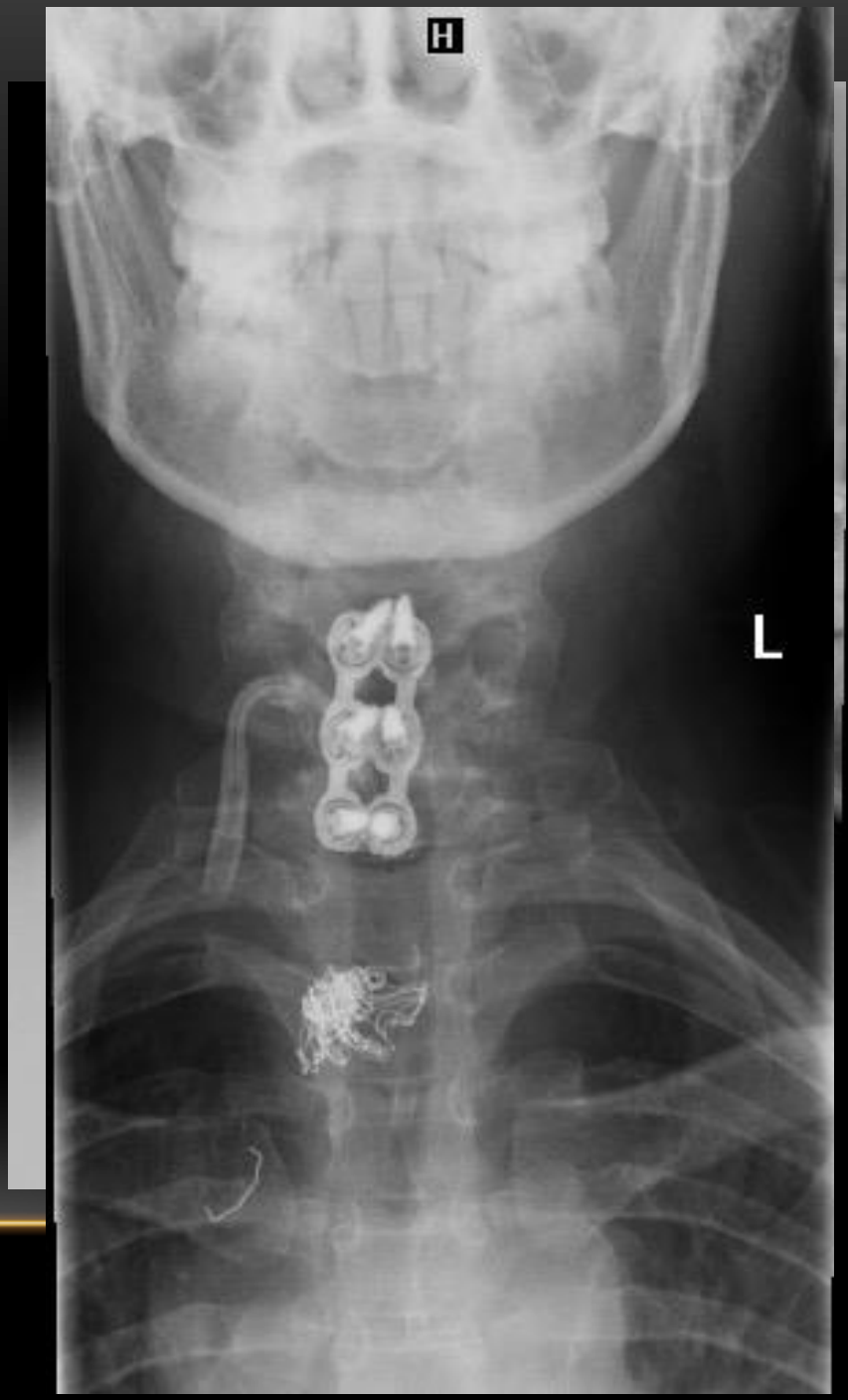
# LEVELS OF SEVERITY

- Level 1 – need for increased patient assessments, but no pt harm
- Level 2 –need for treatment and/ or intervention and caused temporary patient harm.
- Level 3 – need for prolonged hospitalization and causes temporary harm
- Level 4 – results in permanent patient harm
- Level 5 – ‘Any set of circumstances which signifcantly increases the likelihood of a serious adverse outcome
- Level 6 – Patient Death

- *3-6 should be disclosed

# CASE

- 57 y/o F POD1 C5-7 ACDF
- Preparing for discharge, you notice :



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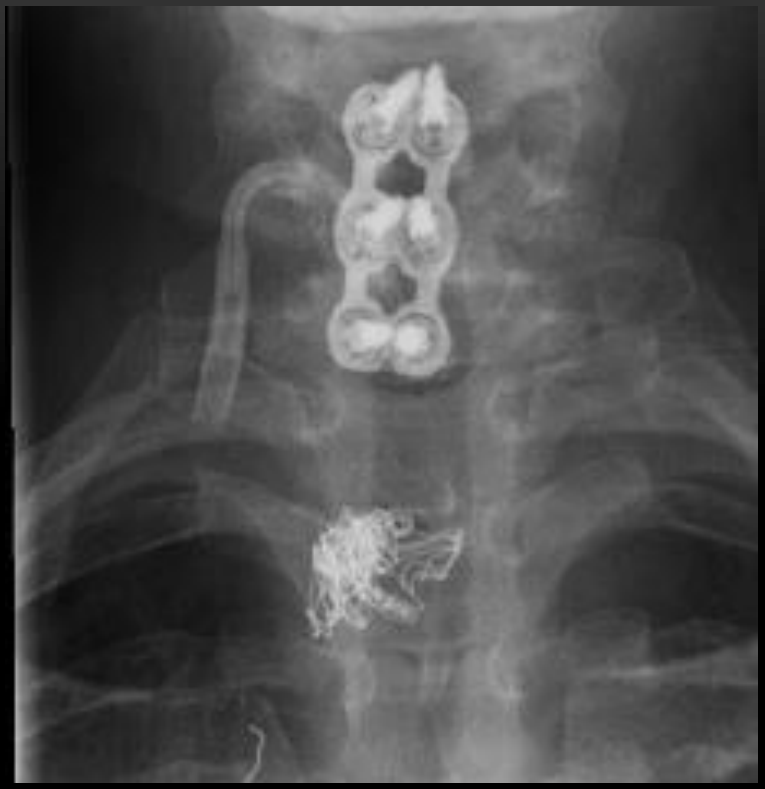
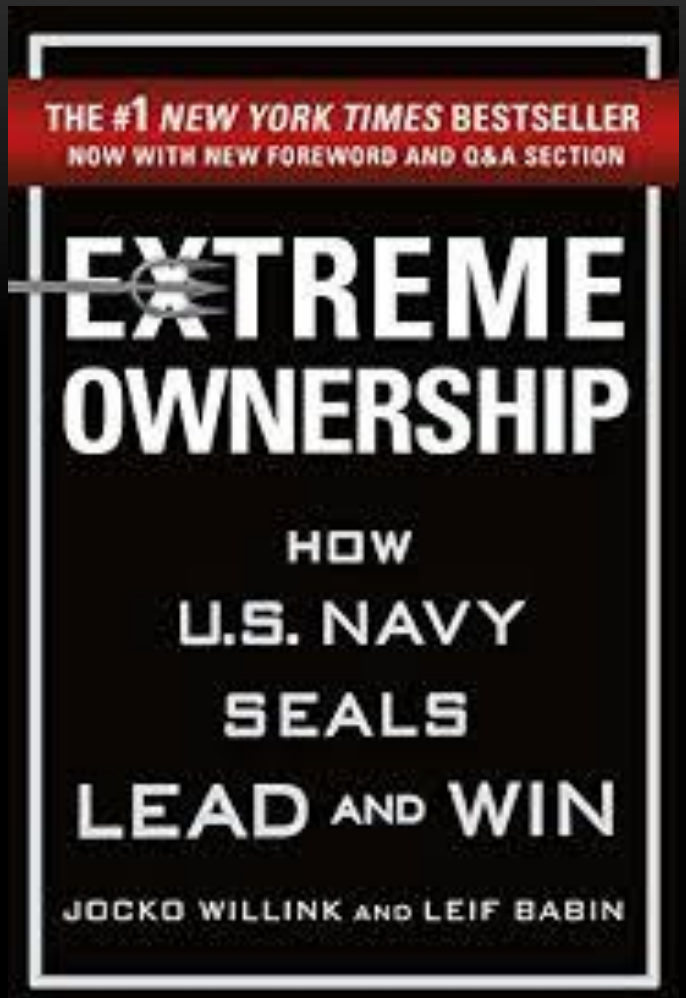


- What do you say?
- Where do you say it?
- How do you say it?
- Who do you call?

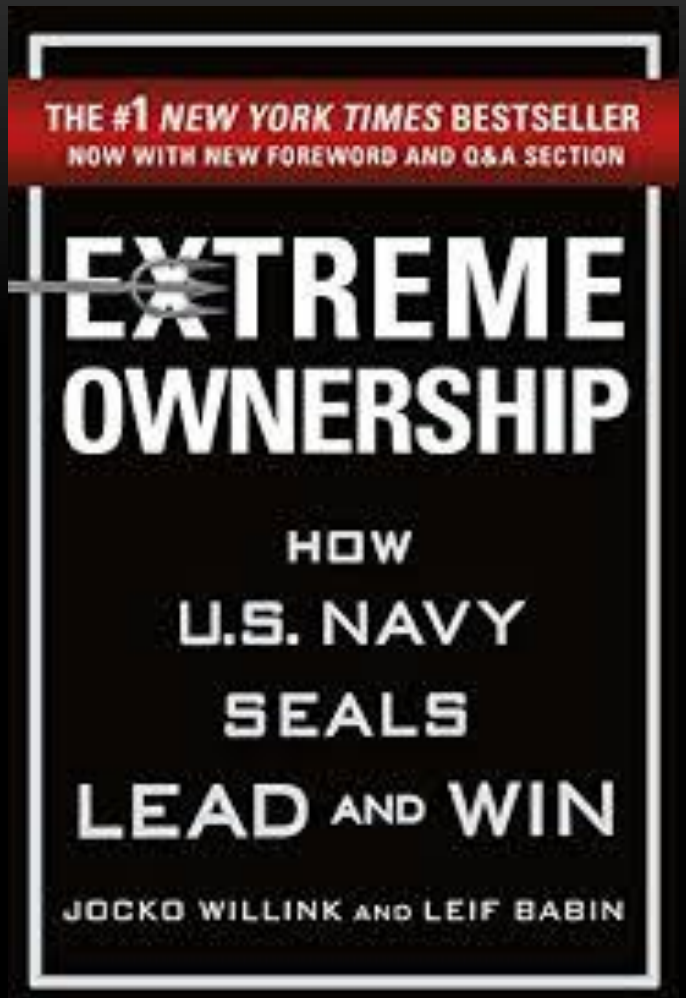
# WHAT TO SAY

- OWNERSHIP
- Complete transparency
- Patients do not want ‘Spin Doctors’
- Disclosure of an error has been shown to increase patient satisfaction, reduce likelihood of changing physicians, lower rate of seeking legal advice, reduced litigation, lower legal expenses and lower jury awards
- “Medical Professional Apology Statutes” – 35 states protect physician apologies from becoming admissable evidence in court
  - NOT Tennessee



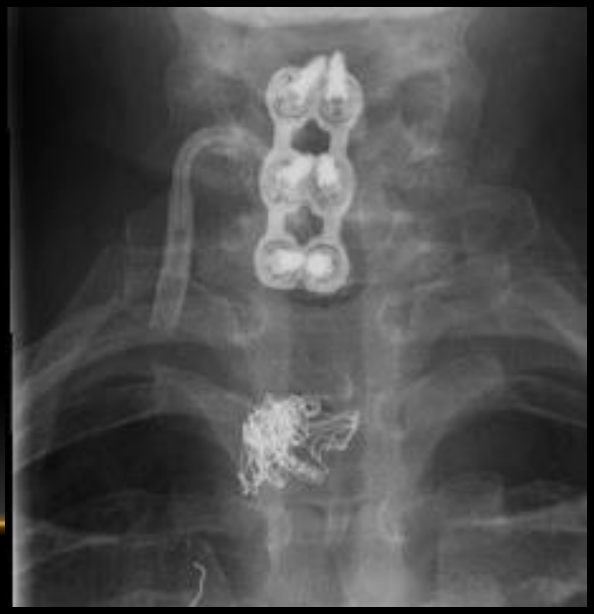
# WHAT TO SAY – WHAT THE PATIENT WANTS TO HEAR

- Explicit statement that an error occurred
- Describe the course of events in non-technical terms
- What the implications are for their health
- Outline corrective steps
- Provide an apology
  - Not 'I'm sorry this happened to you'
  - 'I'm sorry I caused you harm'
- Elicit questions
- Plan the next step



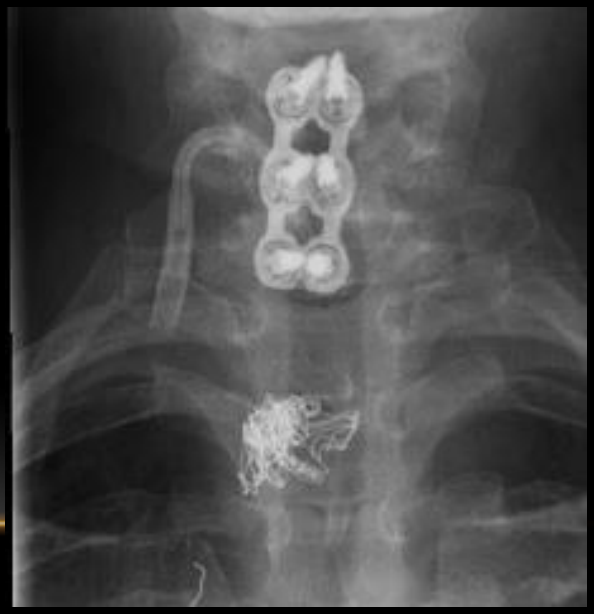
# WHERE TO SAY IT

- Quiet, private place
- Visual aids can be helpful



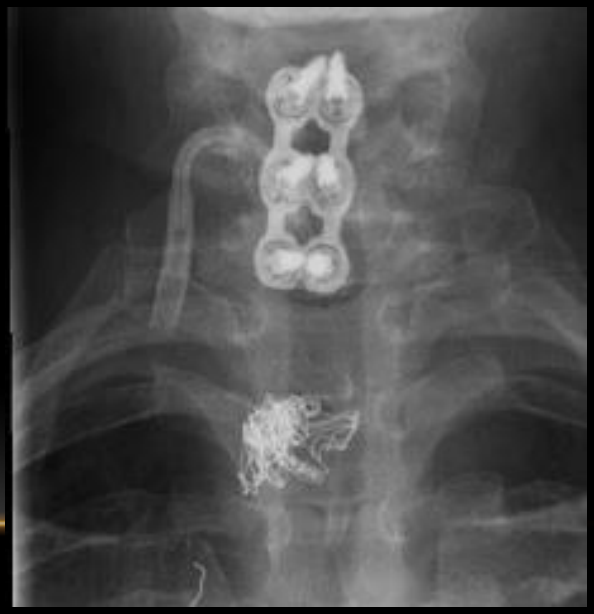
# HOW TO SAY IT

- Sit down
- Eye contact
- Watch your body language
- Open lines of communication
  - Cell phone / Email



# WHO TO CALL

- Risk management
- Malpractice carrier
- Chairman / Group president



# AVOID BECOMING THE SECOND VICTIM

- Call mentors
- Ownership of the problem to prevent personal recurrence
- Education of others to prevent recurrence in other's pts
- Take leadership role in formal process of reducting similar errors

# THANK YOU