Breaking the Silence: Discussing Medical Errors
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Learning Objectives
- Rational for openness and honesty
- Identify steps to communicate constructively with clients
- Demonstrate at least 2 techniques to rebuild trust with clients

Impact of Honesty and Openness
- Rebuilds trust
- Live our professional ethics
- Retain clients
- Help negotiate fair settlements
- Reduce malpractice suits, state licensing board complaints

ADVERSE OUTCOMES
- Biological variability
- Inherent risk
- Within Standard of Care
- Below the Standard of Care

Barriers to Disclosure
- Culture of infallibility and shame
- Lack of training
- Fear of:
  - Damage to reputation
  - Adding further emotional distress to client
  - Malpractice claim or licensing board complaint

What do clients want?
- What happened?
- How did it happen?
- What happens next for my pet?
- Apology
- How will reoccurrence be prevented?
- Offer to make reparation

Gallagher and Lucas, 2005

Exercise
Reflection and Preparation

Forms of Bad News

- Unexpected death, e.g., anesthetic death
- Unexpected surgical intervention
- Chronic illness (Renal failure, Diabetes, Cushing's disease)
- Terminal illness, i.e., cancer
- Treatment failure
- Disease recurrence
- Perceived expensive treatment
- Problem perceived as offensive or embarrassing to client (e.g., fleas, ringworm, weight issues, etc.)

Two types of disappointment

1) In the adverse outcome itself
   - "Champ may not come through this"
2) In the way that the clinicians behaved after the adverse outcome
   - "I can't believe how they are handling this!"

Goals in sharing bad news

- Prepare adequately for the encounter
- Assess client understanding of your message
- Tend to the client's immediate emotional and informational needs
- Develop a plan or strategy for next steps with client input

Research suggests individuals are more forgiving of the first type of disappointment than the second

Miskel, 1992; Lawless, 2004
Vickers, 2002; Freeman, 2004; Högström, 2005

Buckman, Saurin, Lipsky, and Tule, 1995
First Things First
Following an adverse outcome:
- Tend to patient’s immediate clinical care
- Develop clarity re: what happened
- Recognize your own and your team emotions and needs
- Prepare for client discussion

TEAM Model for Disclosure

TECHNIQUES: T – E – A – M

T = Be Truthful – Acknowledge Error & Harm
- Anticipate with warning and expression of sympathy
  “I have some difficult news to share with you. I am very sorry to have to tell you...”

TECHNIQUES: T – E – A – M

T = Be Truthful – Acknowledge Error & Harm
Then EXPLAIN
Keep it conversational by eliciting their reaction to the information
“I imagine you have a number of questions”

TECHNIQUES: T – E – A – M

T = Be Truthful – Acknowledge Error & Harm
Ask permission: “Would it help if I explain what we no believe happened?”
Demonstrate openness to build trust
Hiding or spinning undermines trust

TECHNIQUES: T – E – A – M

Client’s Emotions
Empathize and normalize
It’s natural for clients to feel shocked and angry
“this is so different from what any of us were hoping for or expecting”
TECHNIQUES: T - E - A - M
Client's Emotions
Empathize and normalize

LISTEN AND REFLECT
"I imagine you are feeling so many things right now"

TECHNIQUES: T - E - A - M
Client's Emotions
- Shock and anger are common
- Use humility and Empathy:
  "I can see you're angry and that's understandable"
- Defensive comments will heighten client frustration

TECHNIQUES: T - E - A - M
Client's thoughts
"You are really confused about how this could have happened"
Client's feelings
"I can see how upsetting this is"
Client's needs
"What would be most helpful now?"

TECHNIQUES: T - E - A - M
Apoloize
"I am terribly sorry for this error we made that has caused more problems for Teddy."

TECHNIQUES: T - E - A - M
Manage through to resolution
- Managing means being ACCOUNTABLE.
- "We are already taking steps to reduce the chance this would ever happen to another animal in our care."

TECHNIQUES: T - E - A - M
Manage through to resolution
- May require additional meetings with appropriate charting & documentation
- Your malpractice carrier can guide you in determining fair reparation, if appropriate
Video
- Background: Mr. & Mrs. Smith's foal was hospitalized for passive transfer failure and pneumonia.

Goals in sharing bad news
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Importance of effectively sharing bad news
- Strengthens veterinarian-client relationship
- Fosters collaboration
- Permits clients, families to plan, cope

TIMING: Proactive vs. Reactive
- Disclosure needs to be timely -- delay magnifies problems
- Don't wait for all the "facts"
  "Here is what we know now and we'll keep you informed as we learn more"
- Don't wait for a complaint

Who should be present?
- Consider who:
  • Has the most information
  • Has the best relationship with the client
  • Is an effective communicator with appreciation for openness
  • Is emotionally able to handle the conversation

KEY FACTS.

DISCLOSURE IS GOOD FOR PROVIDERS!
- REDUCE LAWSUITS AND LITIGATION
- NATURALLY IMPROVES QUALITY AND SAFETY
- CLOSURE AND HEALING
**STEPS**

- Say your sorry immediately after an event without admitting fault
  - Empathetic “I’m sorry”
  - **What was NOT said:**
    - No Admission of fault – will not prematurely admit fault or play “No-Fault” game.
    - Only admit fault after investigation has proven an mistake occurred and error was causation for the injury or death.
    - Need to PAUSEI
    - No blaming or speculation - not time to throw colleagues under the bus!

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**Step 1: Preparation - Plan ahead**

- Prepare what to say
  - Review facts
- Set the stage
  - Time and place
  - Who to be present
- Prepare for issues likely to arise
  - How to respond

_Cited from Fouda, Hommema, & Johnson, 2002_

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**What do you tell a client if there has been an unfortunate outcome or adverse event?**

- Communication skills-gather as much info as possible before you call owner but call as soon as possible (no negligence here)
- What happened
- What happens next (Recommend what is in the best interest of the animal)

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**5 Step Protocol**

1. **Preparation**
2. Assess: client knowledge & preferences
3. Share the information (Be frank)
4. Attend to feelings
5. Enlist client in follow-up and planning

_Armed from Buchanan, Source: Light and Tuck, 1990_

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**Preparation**

- Quiet place where privacy is respected
- Instruct health care team for no interruptions
- Go over some words you plan to use and anticipate client’s likely questions, reactions

_Lawrence, 2004; Reamer & Lyon, 2002_

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**What do you tell a client if there has been an unfortunate outcome or adverse event?**

- Recommend necropsy if cause of death is unknown
- Be professional and express empathy
- Do you charge?
Step 2: Assess client knowledge and preferences
- Start where client is - what is known
- Be aware of words client uses and avoids
- Be alert to client's nonverbal behavior
- Assess how much or to what degree information will be given
- Keep in mind - most clients prefer the complete truth

Step 3: Share information (bad news)
- Begin with forewarning
- Use the animal's name
- Avoid using medicalese and jargon
- Provide information in small chunks
- Keep pace slow for time to absorb the news

Step 4: Attend to feelings
- Prepare for range of reactions
  - Speechless, tearful, doubt, anger, etc.
  - Observe verbal or nonverbal expressions
- Provide space for client to react
- Support silence
- Legitimize and normalize strong emotions

Attend to Feelings: Empathy
- Shock: "Hearing these results about Sadie is dearly a shock for you."
- Sadness: "I wish I had different news to share with you. I can see you're really hurting."
- Doubt: "I'm sure it's hard to imagine how this can possibly be true."
- Anger: "I understand you're angry about this turn of events."

Attend to Feelings: Non-Verbal
- Eye level, preferably seated
- Slow pace of speech
- Lower voice tone to reduce your own anxiety

Step 5: Plan and follow through
- Assess client understanding
  "We've covered a lot of ground and I can see this is upsetting. Let's take a minute and review the information I've shared so far to see if it makes sense."
- Ask:
  "What else do you need to know at this time?"
Step 5: Plan and follow through

- Be alert for signs of distress and assess client's resources for support
  "Is there someone you'd like to phone?"
- Be aware of your own emotional response
- Document information given

Call Your Malpractice Carrier

- Call early if you suspect a claim may arise. Calling does not constitute filing a claim
- At PLIT you may request to discuss your situation with a veterinarian

Communication has lasting effects

- You cannot change the news itself
- However, the manner you present the news can shape the client experience