

Ethics: Disclosing medical errors in practice

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In veterinary medicine, both clinicians and healthcare staff must possess the necessary skills and understanding to communicate effectively when clients are disappointed with the outcome of care. In order to address this constructively, clinicians must understand what caused the disappointing outcome, how the client feels about it, and then respond in a timely and empathic manner.

When the adverse outcome is the result of medical error, it requires a particularly thoughtful response on the part of the veterinarian, staff, and practice. To be clear, an adverse outcome is unanticipated or unexpected harm caused by medical care. An example of an adverse outcome would be a horse breaking its leg during anesthetic recovery. As we know, this is a potential complication of anesthesia that can occur without any veterinary error. A veterinary error is failure to complete a plan as intended or the use of a wrong plan to achieve a clinical result. Examples of a veterinary error would include administering the wrong medication or wrong dose to a patient.

Recognizing the concerns around disclosing medical errors, the Institute for Healthcare Communication developed a model in conjunction with the AVMA PLIT to enable veterinarians to identify, appreciate and practice techniques that are essential in responding to clients constructively when there has been an adverse outcome due to error. If you are concerned about an adverse outcome that resulted from a veterinary error, contact your insurance carrier as soon as possible.

The model recommended for disclosure discussions is the TEAM model:

- Truth, teamwork, transparency
- Empathy
- Apology and accountability
- Management through to resolution

Truth, Teamwork, Transparency

If a medical error has happened with a horse in our care, it is critically important that the client hear the truth about what happened. Clients are entitled to an accurate understanding of what happened and its consequences. The key to that understanding is the practice's candid investigation to sort through factors until reaching the



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most probable explanation. Veterinarians who willingly share relevant information and elicit and answer clients' questions without the client needing to do her own investigation and come up with the "right questions" foster trust. Additionally, the practice team must feel empowered to recognize and report problems that could potentially compromise patient safety so that the practice may take action to correct the problem. Team members are most likely to feel that they can do this when the practice team has shared values, adopts a non-punitive approach to errors, and a commitment to honesty with each other and with clients.

Empathy

Empathy involves the ability to share one's appreciation for the client's perspective, feelings and experience. When clients experience disappointing outcomes related to the health of their horse, they may express a range of emotions that require effective and sensitive communication skills by the veterinarian and staff. When the disappointment is related to a medical error, the emotions may be heightened.

The veterinarian must be willing to acknowledge and act based on an appreciation of the consequences of the error to the patient and the client. Rationalization and minimization can undermine our ability and willingness to empathize with the full range of impacts. We should appreciate the impact that recognizing and reporting an error may have on the staff involved. Their fears, heartbreak, perhaps defensiveness and concern for conse-

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quences for themselves are all normal and need to be acknowledged. Creating a non-punitive approach to errors that focuses on understanding and addressing latent vulnerabilities to error rather than punishing individuals is a key to empathizing with staff.

Apology and accountability

When error has caused harm, a sincere and complete apology is necessary for resolution. “I am so sorry for the error that we made that caused this to happen to Shelby.” Studies of apology reveal four critical components:

- Acknowledging the error
- Explaining how it occurred
- Holding oneself accountable to prevent its recurrence
- Offering reparation for the harm the other has experienced

The client wants to know that some good will come from the harm for other patients treated by the practice through correcting the procedures that led to the error. In order to convince the client that this will happen, the practice must demonstrate that it has made its best effort to understand what actually happened and its causes and is willing to reveal that to the client. Finally, after recognizing the error caused unnecessary harm to the horse and the client, an offer to do what one can to “repair” the damage and “make the client whole” as much as possible is essential to create resolution.

Management

Each of the steps above serves only as a promise until they have been successfully enacted to the client’s satisfaction. That means managing a number of elements through to their final resolution in the client’s mind:

- Take the best clinical care of the animal in accordance with the client’s wishes. This includes honest and sensitive shared decision making about treatment options, possibility of transfer to another practice, and how costs of care will be handled.
- Psychologically and perhaps legally, the client is likely to feel taken advantage of if the practice appears to be profiting in any way from providing care that caused harm or that is in response to harm it has caused. Financial responsibility must be sensitively negotiated and a third-party mediator may help to establish a standard of fairness if there is disagreement.
- Managing the situation through to resolution can take a number of conversations over an extended period of time as new questions, choice points, and practical and financial consequences of the error and harm become more evident. The practice and veterinarian should plan to keep in regular contact with the client until full resolution appears to have been reached.
- Your malpractice liability insurance carrier will obviously have an interest and want to have a say in how disclosure and resolution of harm due to error is managed. Include your insurance carrier’s claims department early on in this process.

Dr. House is a clinical associate professor at the University of Florida College of Veterinary Medicine in Gainesville, Fla., and a member of the AAEP’s Professional Conduct and Ethics Committee. Please refer to the 2014 AAEP Proceedings article, “Breaking the Silence: Disclosing Medical Errors” for full acknowledgment, permission, reference list and content.