

Reducing litigation: Practice Behaviours

Hazem Al Momani

Consultant Bariatric Surgeon

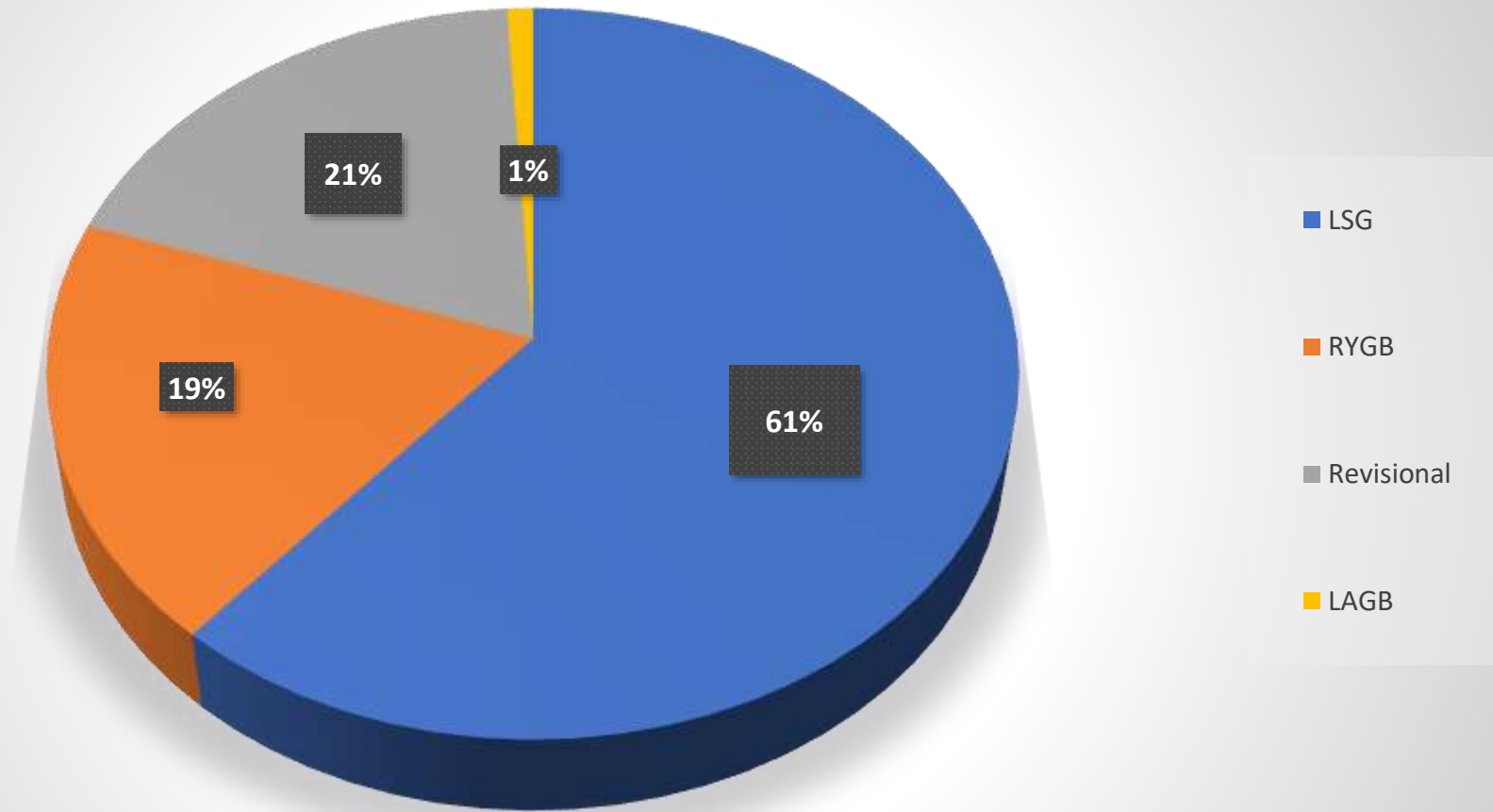
Head of Weight Management Unit

NMC Royal Hospital

Abu Dhabi, UAE



Case Mix



Disclosure

- Received honoraria and participated in Advisory Board meetings:
 - Johnson & Johnson / Ethicon
 - Medtronic
 - Novo Nordisk
 - Ezisurg Medical
 - Vector Medical
 - Algorithm

It is only a matter of time!!!

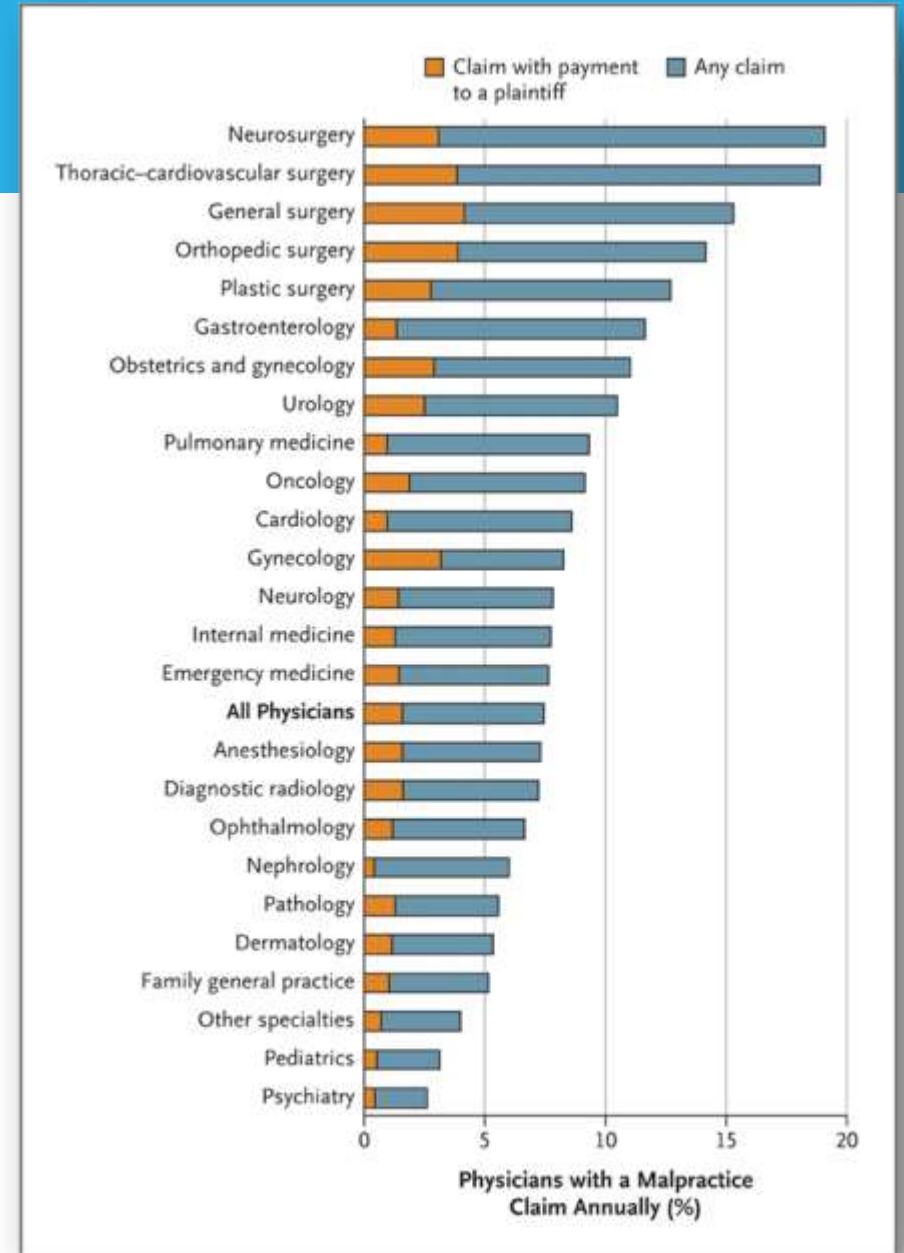


Medical Litigation: Cost

- The NHS paid £2.4bn (€2.8bn; \$3.1bn) in clinical negligence claims in 2018-19
- This sum equates to about 2% of the entire budget for the NHS in England
- £83.4bn “set aside” to account for future claims
- US Department of Health and Human Services (1990 - 2020):
\$151,674,570,000

Medical litigation: Speciality

- Claims against General Surgeons are the third commonest ones
- Claims against General Surgeons have the highest compensation rates



Tip #1: Know the “Laws of the Land”

- Familiarise yourself with the rules and regulations of the place you practice within
- Make sure all your paperwork is in place (Physician, Hospital, Clinic...)
- Always follow the standards set by your hospital, regulatory body

Tip #2: Stick to what you know

- Deliver treatments/service according to your ability and expertise
- Don't be a maverick
- Back up any care you deliver with supportive evidence to demonstrate your competency/knowledge

Tip #3: Keep your knowledge and skills up to date

Tip #4: Make sure that your medical liability policy
is active

Tip #5: Build a good relationship with your patients

- Happy patients are less litigious patients
- Be transparent and keep your integrity
- Show Empathy
- Always involve the patient (and any one the patient wants) with the decision making

Tip #6: Communicate clearly

- Use written and visual educational material
- Keep these material up to date
- Give patients/families space to ask questions
- Always follow up with your patients/their families

Tip #7: Build a good relationship with colleagues

Tip #8: Document, document, document

- If it is not documented, it never happened
- Make sure that your documentation is accurate and done in a timely manner
- Never alter medical records

Tip #9: Beware of electronic medical records

- Check, check, check and double check

Tip #10: Park your ego aside

- Seek help at an early stage
- Involve other colleagues in the management and care delivered to your patient whenever the need arise
- If you don't know: ASK!!

Tip #11: Seek legal advice early on

Tip #12: Always be prepared to apologise

- Genuine apology and expression of sympathy and acceptance of the error by the doctor encourage patients to be more forgiving
- Many US states now have physician apology laws that enable a doctor to make an apology without being concerned about it being used against him/her later in a medical malpractice suit
- Take responsibility for your actions/decisions

Tip #13: Always reflect on your experience

- Turn your experience into a learning opportunity to yourself and other colleagues
- Present your experience in departmental meetings, M&M meetings or other educational meetings: This show professionalism and sincerity
- Always ask for feedback: Medical and Legal

Tip #14: Look after yourself/your team

- Healthcare Professionals are more likely to experience stress and anxiety during and/after litigations
- Behavioural changes after litigation:
 - Defensive medicine
 - Extra/unnecessary testing
 - Patient selection
 - More detailed documentation
- Role of management and Healthcare institutes

Thank You!

