

PFSP



Dealing with
adverse
events,
complaints,
and medical
legal
litigation



ALBERTA
MEDICAL
ASSOCIATION

Physician and
Family Support
Program

PFSP



The first steps...

The information in this brochure is intended to provide immediate and useful information for physicians and their families when facing adverse events, complaints, challenges to privileges and medical legal litigation.

This brochure has been compiled by the Physician and Family Support Program of the Alberta Medical Association.



- When your patient experiences an adverse event or you receive a notice of claim, complaint or challenge to privileges, call:

Canadian Medical Protective Association (CMPA) 1.800.267.6522

- The CMPA is the organization through which physicians in Canada carry medical liability protection. They provide legal counsel across Canada. The CMPA is a great support and excellent source of information.
- Communicating and disclosing to your patient about an adverse event can be difficult. The CMPA has published a step by step brochure to guide you through disclosure. It can be accessed at www.cmpa-acpm.ca
- Calling CMPA is a critical first step when facing an adverse event and prior to responding to a notice of complaint or a challenge to privileges.
- The CMPA medical officer will be able to give you valuable advice. If necessary you will be referred to appropriate legal counsel for further guidance.

Physician and Family Support Program (PFSP) 1.877.767.4637

- The Physician and Family Support Program is an Alberta Medical Association program available to all physicians, residents and medical students and their families in Alberta, Yukon, and North West Territories.
- PFSP provides valuable, confidential, emotional support and counselling for you and your family.
- This is a confidential program. Information is not shared with the College of Physicians and Surgeons or any administrative body.

- Uncertainty about the process of complaint or litigation is normal. The CMPA will guide and support you through the specific steps and processes to be taken. Charts illustrating various medical-legal situations are available on the PFSP page of the AMA website www.albertadoctors.org
- RECORD everything you can remember about the incident for your own future reference. Protect and secure the medical file. Do not change or write anything on the file. Make a photocopy of the file.
- It is best not to discuss the content of a suit, complaint or challenge with others. It is, however, acceptable and beneficial to share your feelings in general around this challenging experience with an appropriate trusted individual.

What you may experience...

- In adverse situations, it's perfectly normal to experience intense emotion and confusion. You may feel disbelief, hurt, anger, sadness, guilt, shame, fear, anxiety and self-doubt.
- You may feel the urge to do something impulsive such as changing the way you practise, but this is not the best time to make significant decisions. Trust that these intense emotions will subside, especially once you've begun receiving the support you need such as legal counsel and counselling.
- Being excessively hard on yourself is unproductive – it can damage your morale and your ability to take action to make things better. Self evaluation, on the other hand, can be a positive motivator for change. Analyzing the incident as to how it happened, why it resulted in

a complaint or legal suit, and what can be learned from the experience may even mean you benefit in the long run.

- Errors and adverse medical outcomes are usually the result of a number of factors. It's reasonable for you to acknowledge your role in the incident. Recognize, though, that others – staff, the hospital, the system and sometimes even the patient – may have played a role.
- You may feel that a complaint or legal suit is a betrayal or an affront in response to the long hours and the personal sacrifices of your career.
- Complaint and legal processes can be time consuming and take longer than you might wish. Focus on one step at a time, with the guidance of your lawyer as well as your counselor (PFSP). This can help prevent putting your life on hold, or dwelling on the “what ifs”.
- Make a point of caring for yourself and your family. Eating well, adequate sleep, exercise and allowing yourself some pleasurable activities will help you cope with this stressful experience.

Helpful self-talk

- I can expect to be very upset. This is an emotionally painful experience.
- Being sued is not an attack on me personally.
- Virtually all physicians experience situations of miscommunication, adverse events and errors.
- Litigation and complaints can happen regardless of whether negligence actually occurred.
- It is reasonable that a patient should be compensated if he or she is injured by error.
- I owe it to myself to keep balanced thoughts by acknowledging all the positive contributions and relationships I've made in medicine. This

unpleasant event does not need to diminish the overall satisfaction of the practice of medicine.

- It is appropriate to evaluate the situation, attend to my role in the incident and learn from this process.
- Right now the feelings are very intense and uncomfortable. This intensity lessens over time. I will make it through this; I will seek out help and support, and take one step at a time.

First aid for family members

- Family members can also expect to experience a wide range of emotions similar to the physician. You may also feel betrayed by the patient/health region. You may feel anger and shame as to how this situation might reflect on you.
- Be supportive. Your physician family member needs the help of someone who believes in him/her.
- Initiate discussion about feelings and emotions with your physician family member. Encourage communication. In the Province of Alberta, communication between spouses is confidential. A physician family member cannot be forced to disclose.
- Seek counselling support through the Physician and Family Support Program (PFSP) for yourself and other family members if you need information, advice or counselling.
- Seek help from PFSP if you, your spouse or other family members are suffering from depression or anxiety.
- Plan some family activities. Discuss and acknowledge each other's feelings.



Acknowledgements

PFSP would like to thank The Canadian Medical Protective Association (CMPA) and Ms. Valarie Prather, Bennett Jones, Calgary, AB for contributing material to the compilation of this booklet.

Information and resources

More information and resources, including a list of books and articles, can be found on the Alberta Medical Association's website and the PFSP webpage www.albertadoctors.org



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