



Why being a professional means knowing when to say you're sorry

Being a patient in our health care system is, by its very nature, a risky undertaking. If you have experienced a patient safety incident in your medical care or you know someone who has, you are not alone. In fact, you would be one of the 5.2 million Canadians who report that they or a family member have sustained a preventable harmful incident in the course of medical treatment.¹

In physiotherapy, examples of these incidents can include unexpected falls during transfers, burns from a hot pack or other modality, or muscle strains from use of excessive weight during a functional assessment.

What if it's your patient?

But what if it's your patient who was injured during the course of physiotherapy treatment? What should a supportive, conscientious healthcare professional do? The answer is simple, but that doesn't mean it's easy: You should talk to them about it. And, if you were responsible for the incident – you should apologize.

Not only is this the right thing to do from an ethical standpoint, it's also the right thing to do for your patient. Patients harmed by their medical care will likely be experiencing an array of different emotions, including fear, anger, confusion, or distrust. You need to communicate openly and honestly with your patient to help restore their trust and reduce negative reactions such as anger.

Try to put yourself in your patient's position. Chances are you would want to understand what happened. You would also probably expect that your healthcare provider would:

- 1 Acknowledge that something has gone wrong;
- 2 Explain what happened;
- 3 Acknowledge responsibility and offer an apology, if appropriate; and
- 4 Provide information about what actions will be taken to prevent similar incidents in the future.

Why is disclosure so difficult?

It sounds easy, but many healthcare providers shy away from open disclosure. Often, it's because they're ill-equipped and untrained to initiate these difficult conversations with their patients. Many providers are also worried that a disclosure conversation would expose them to greater liability.

You might be reassured to learn that apology legislation has been adopted across much of Canada.² This allows a healthcare provider to apologize without admitting liability, while also opening up the lines of communication with their patient. If you practice in an area where apology legislation has been enacted, your apology can't be used as evidence to establish fault or liability in civil, administrative or other proceedings, including College disciplinary reviews.

Definitions

Patient Safety Incident

An event or circumstance which could have resulted, or did result, in unnecessary harm to a patient.

Harmful Incident

A patient safety incident that resulted in harm to the patient.

Disclosure

The process by which an adverse event is communicated to the patient.

(from *Canadian Disclosure Guidelines, 2011*, available at <http://www.patientsafetyinstitute.ca/>)

¹ Canadian Institute for Health Information, *Health care in Canada 2004*

² 8 Canadian provinces and 1 territory have adopted 'apology legislation'. These include: British Columbia, Manitoba, Saskatchewan, Alberta, Nova Scotia, Ontario, Newfoundland and Labrador, Nunavut, and Prince Edward Island.





Something happened – what should I do?

Patients care about understanding what happened to them, about receiving an apology, and about preventing similar incidents in the future.³ If your patient has experienced preventable harm associated with their care, your first responsibility is to meet their immediate clinical needs. As soon as is reasonably possible, you should also let your patient know that something went wrong, explain what happened, and offer your emotional support. This could include discussing any concerns or questions they have and offering an expression of regret (for example: “I am very sorry that this happened to you. This shouldn’t have happened”).

Because harmful incidents often result from a combination of many factors and systems, the cause of the incident may not be immediately clear. You should commit to investigating the situation to find out why the incident took place. If it becomes clear that you were responsible for causing the injury or complication, you should offer a sincere apology and share what you have learned with your patient. You should also ask permission to follow up with them to provide further updates and information on what’s being done to prevent the same thing from happening again. Close communication with your patient will ensure that you can address any questions or concerns they have throughout this process.

Who can help?

You may not know where to turn for help and guidance when things go wrong. First, check with your employer – your workplace may have reporting obligations or a process for disclosure. Many workplaces have adopted the Canadian Patient Safety Institute’s 2011 Canadian Disclosure Guidelines. This resource outlines a clear approach to disclosure and includes a checklist for the disclosure process. Your employer may also offer employee-assistance to help you cope with having been involved in a safety incident. It’s not just the patient who suffers when incidents happen; the healthcare provider often suffers too and you may have trouble dealing with feelings of fear, guilt, and shame for having been involved.

CPA’s professional liability insurance program partners are also there to help you through this process. Even if no claim has been made, you should contact your insurance adjuster at Maltmans to report the incident and discuss next steps. CPA’s legal partner, Gowlings, is also available for a free telephone consultation to provide important legal advice. Everyone involved in the CPA insurance program is dedicated to working with you to achieve peace of mind and the best possible outcome for all involved. A confidential conversation with a knowledgeable and supportive CPA program partner will help to reduce any stress or anxiety you are feeling.

As much as we don’t want to admit it, patient safety incidents do happen. If you are involved in an incident in your practice, CPA has resources and people in place to help you respond professionally. You don’t have to do this on your own.

Additional Resources and Contact Information:

Maltmans: 1-800-699-0914 or claims@maltmans.com
Gowlings: 1-888-943-0953

Canadian Patient Safety Institute, 2011 Canadian Disclosure Guidelines, available at <http://www.patientsafetyinstitute.ca/>

³ Robbennolt, JK. 2009. Apologies and Medical Error. *Clinical Orthopaedics and Related Research*. 467: 376-382

