

When Complications become Medical Errors!!

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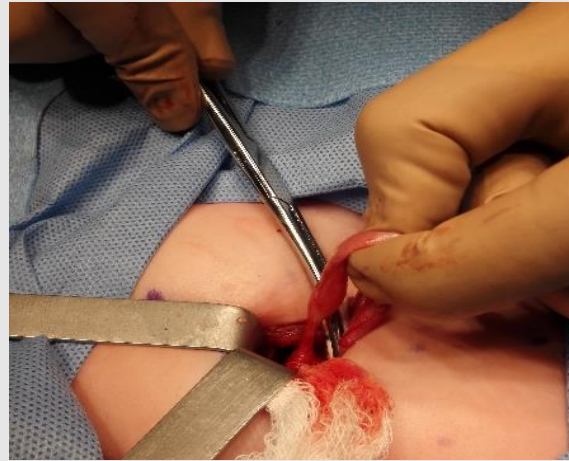
Disclosure



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TB- 7M old boy with obstructive megaureter



Surgery-
SMOOTH

Wednesday

Discharge Home-
NO ABICS

Friday noon

Phone Call-
SLOW RECOVERY

Saturday PM

ER-
SEPTIC-ECMO-ICU

Sunday AM

Died-

Monday AM



Family

Grief, Anger, Wanted answers

Solace & comfort
Video- caring safely campaign
Planned fund raising events

Failure & self-doubt

Risk management

Physician

System



After 1+ year- the family decided to sue

Denial

Discounting

Distancing

That wasn't an error

If patient was discharged on Abic
epidural could be the cause

We all make mistakes....

Second victim



Tort Law... medical interpretation

The law: deter people from doing mistakes

The core of the medical profession is “do no harm”

Standard of Care
Causation
Negligence



Apology ...

Apology Act, 2009

S.O. 2009, CHAPTER 3

Consolidation Period: From April 23, 2009 to the e-Laws currency date.

No Amendments.

Definition

1. In this Act,

“apology” means an expression of sympathy or regret, a statement that a person is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit fault or liability or imply an admission of fault or liability in connection with the matter to which the words or actions relate. 2009, c. 3, s. 1.

Effect of apology on liability

2. (1) An apology made by or on behalf of a person in connection with any matter,

**DOES NOT, IN LAW, CONSTITUTE AN EXPRESS OR IMPLIED ADMISSION OF FAULT OR LIABILITY
BY THE PERSON IN CONNECTION WITH THE MATTER**

(b) does not, despite any wording to the contrary in any contract of insurance or indemnity and despite any other Act or law, void, impair or otherwise affect any insurance or indemnity coverage for any person in connection with that matter; and

(c) shall not be taken into account in any determination of fault or liability in connection with that matter. 2009, c. 3, s. 2 (1).



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Parents seek legal advice: when neglected!

Gauge parental anxiety

nursing calls for some parents

low threshold to call or see patient

Videos/ pictures!?

Your job is to not make a complication become a medical error



Complications will happen, the busier you are the higher the chances

All complications may cause some personal damage

Medical errors: most damage- legal knowledge, personal support and coping/ recovery strategies





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