Doctors' new tool to fight lawsuits: saying 'I'm sorry.' Malpractice insurers find owning up to errors soothes patient anger. 'The risks are extraordinary.'

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A lot of attention and energy has been spent over the past several years on reducing the amount of settlements and awards in malpractice cases. Of course these are important issues, but the best situation for physicians is not to be sued at all. Therefore, the medical community needs to start focusing on ways to prevent lawsuits from being filed in the first place. Recent studies and
Patient safety advocates are encouraging hospitals and doctors to avoid lawsuits by saying ‘I’m sorry’ after medical mistakes. When you meet a new caregiver, ask to see an identification badge. Hide Caption.

Craven’s lawsuit could end up being particularly costly for Yale from both a financial and public relations perspective, because the error is clear—Yale has publicly admitted to it. In addition, Craven says a doctor lied to her to hide the mistake. “Cover-ups make juries angry,” said Doug Wojcieszak, the founder of Sorry Works, a group that trains health care workers to disclose and apologize for errors.

publications indicate that physicians may have more control over the lawsuit lottery than they realize. An article that appeared on the front page of the May 18, 2004 edition of the Wall Street Journal is reprinted below with permission. This article supports the proposition that the best tool to minimize the possibility of being sued may be as simple as expressing condolence and empathy when there is a bad outcome. The lawsuit reform bill that recently passed the Oklahoma legislature, H.B. 2661, contains an “I’m Sorry Law” that permits physicians to express condolence without those statements being used against them in court. For more information regarding the power of an apology, physicians may want to obtain the book by Michael S. Woods, M.D. (a speaker at the OSMA Physician Survival Summit) titled: "Healing Words: The Power of Apology in Medicine." The book can be obtained from: Doctors in Touch, 708.697.6447 or info@doctorsintouch.com.