When Complications become Medical Errors!!

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Disclosure
TB- 7M old boy with obstructive megaureter

Surgery-
SMOOTH

Discharge Home-
NO ABICS

Phone Call-
SLOW RECOVERY

ER-
SEPTIC-ECMO-ICU

Died-

Wednesday
Friday noon
Saturday PM
Sunday AM
Monday AM
Family

- Grief, Anger, Wanted answers

Solace & comfort

- Video - caring safely campaign
- Planned fund raising events

Physician

- Failure & self-doubt

System

- Risk management
After 1+ year- the family decided to sue

Denial That wasn’t an error
Discounting If patient was discharged on Abic epidural could be the cause
Distancing 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 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 or insurance or indemnity and despite any other Act of law, rule, or regulation, 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).
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