Communication and Resolution Programs

For too long, the threat of litigation has kept healthcare professionals in a state of fear, with the natural result being a “deny and defend” reaction when a less than perfect medical outcome occurred. At the same time, patients have too often filed meritless litigation because of unrealistic expectations about their medical treatment. What is needed to address such situations is improved communication that creates a more cooperative patient-provider relationship.

Many entities have taken this task quite seriously, and have adopted approaches to bring the provider and patient together to address adverse outcomes. These programs go by many names—communication and resolution programs (CRPs), early offers, disclosure and compensation, etc.—but all boil down to two specific elements: prompt communication with the patient and/or family members; and, equally prompt efforts to address the patient’s needs resulting from the unanticipated outcome. COPIC Insurance Company, the University of Michigan Health System, Ann Arbor, and the University of Illinois Medical Center at Chicago are among the leaders in this field.

Following on these efforts, the Agency for Healthcare Research and Quality (AHRQ) funded demonstration projects to further examine the benefits of communication and resolution programs and found positive results. More recently, the Collaborative for Accountability after Medical Injury has brought together some of the foremost experts on this issue to help others develop their own CRPs.

PIAA believes it is important to continue developing CRPs in order to address at least some of the flaws in our medical liability system. As policy makers consider legislative and regulatory solutions to support these programs, PIAA recommends that two important principles be maintained:

1. **Apologies and offers must be protected** – Healthcare providers are less likely to engage in open communications if doing so will increase their risk of being sued. Protections should be developed to ensure that expressions of sympathy, concern, etc. (including admissions of fault), and offers to provide assistance to a patient or family (whether financial or otherwise) may not be used against the healthcare professionals in court.

2. **Terms and timing should not be required** – Arbitrary deadlines for making an offer of restitution and the conditions within such offers should not be mandated. Improved communications will be sufficient to ensure that a patient’s needs are understood and that sufficient time is allowed to ensure that the appropriate compensation, if any, is provided.

Communication and resolution programs are an important step in addressing and enhancing the interests and needs of patients and healthcare professionals. PIAA will continue to work with its members and industry experts to move this idea forward and support the quality delivery of healthcare and practice of medicine.

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