

Disclosure, Empathy, and Apology: Staying on the Same Slide of the Table

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Objectives

- Understand the process of disclosure, empathy and apology
- Differentiate between empathy and apology
- Identify practices that will lay the groundwork for successful disclosure
- Understand that the disclosure process is good for patients, families, and the physician

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Staying on the Same Side of the Table


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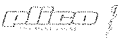
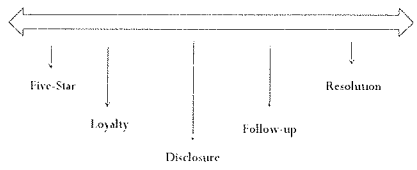
"People sue people, not events"

"Litigation arises not simply from medical error but from an unanticipated outcome coupled with an inability or refusal by medical staff to communicate effectively with a patient or the patient's family."

Gen Amor, Ph.D. –
Healthcare risk manager and consultant-Collins Medical Professional Liability
Networking Forum, April 2008, reported in Collins Professional Liability Insights,
Vol. 3, No. 1 5/14/2008



Disclosure is a continuum



**Benchmarkings, Ratings,
Heightened Focus on Quality**

BCBS partners with Zagat to expand physician ratings

Policy Administration

WellPoint Partners With Zagat

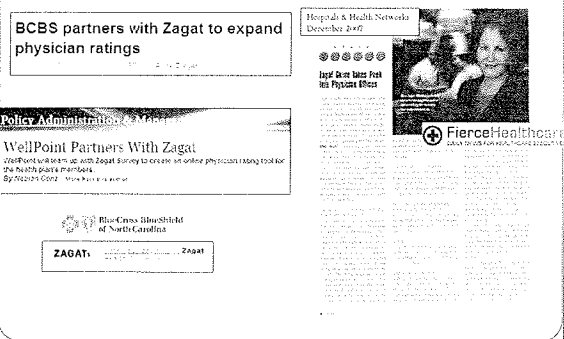
Blue-Cross BlueShield of North Carolina

ZAGAT

Hospital & Health Networks
December 24/07

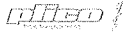
Top 100 Best Places For Physicians Effect

FierceHealthcare



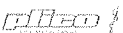
Five-Star Culture

- What does it mean?
- Definition of "Five-Star":
 - Top-quality -having the highest quality (Oxford's World English Dictionary[North American Edition])
 - Indicating the highest classification, based on a given set of criteria for determining excellence - a *five-star* rating (Webster's New World College Dictionary)
 - Of first class or quality (Merriam-Webster's Online Dictionary)



Five-Star Culture

- Treating staff, colleagues, physicians and patients at the highest level of service – internal and external
- Providing an unprecedented level of service
- Leaving a lasting positive fingerprint
- Consistent...pervasive...particularly with stress!



Five-Star Culture

THE FIRST
10
More than a positive attitude

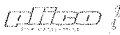



Burn the "BUSY" Card

**North America Alliance of
Extraordinarily Busy People, Inc.**
An alliance of individuals with no time to be helpful to those less busy.

Please Understand How BUSY I Am!

123 Main Street
Anytown, USA 12345
555-555-1212 • e-mail: doctor@busy.com




Start with the Basics



Five-star begins...

- With *your* attitude...personalize it!
- At the patient's first contact with the practice
- At each member's contact with each other!
- Then each linkage...
 - Say "good morning" or "good afternoon"
 - Make eye contact
 - Be...
 - Reassuring
 - Interested
 - Friendly
 - Warm


Even on your worst day!



The Specifics—The Call





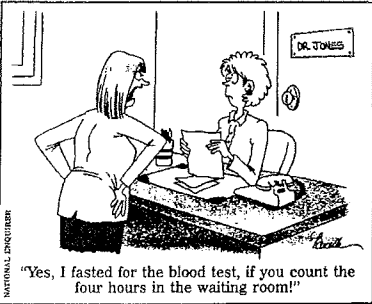
- Literally how the phone is answered
- Remember – patients can see over the phone line
- Opportunities
 - You can connect or not!
 - Warmth and interest can be communicated or not!



The Specifics—The Reception


- Greeting
- The setting
 - Organized
 - Positive distractions
 - Clean
 - Confidentiality being protected
- The "call back"
 - Invitation?
- Opportunities
 - I'm interested
 - Fear
 - I respect you
- Everyone!





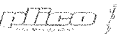
NATIONAL ENQUIRER

"Yes, I fasted for the blood test, if you count the four hours in the waiting room!"




The Specifics—The Wait

- #1 complaint
- Five-star
 - Demand management
 - Expectation management
 - The apology..
- Prevention
 - Auditing
 - Signs



We are sorry!
We always try to meet your
scheduled appointment time
Sometimes we run late and
we apologize. Sometimes a
patient takes longer with a visit
than we anticipate
Sometime it may be you!

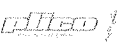
15 let the receptionist know
if you have been waiting
for more than **15 minutes.**





The Specifics—The Visit

- Greet
- Sit down
- Look at them!
- Body language
- Communication



The Specifics—The Visit

Providing written discharge, or after care, instructions can serve the patient, and the physician, well following completion of the office visit. Written discharge instructions may be indicated when:

- the patient has had a minor procedure in the office
- detailed instructions are required, such as tapering medications
- the patient is to monitor for specific signs and symptoms that result in an action
- the patient has learning, memory or comprehension deficits
- the patient has a new or complex diagnosis



The Specifics—Complaints

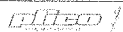
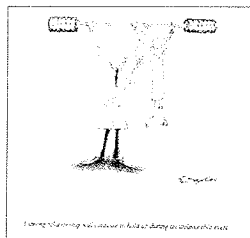
Service Recovery

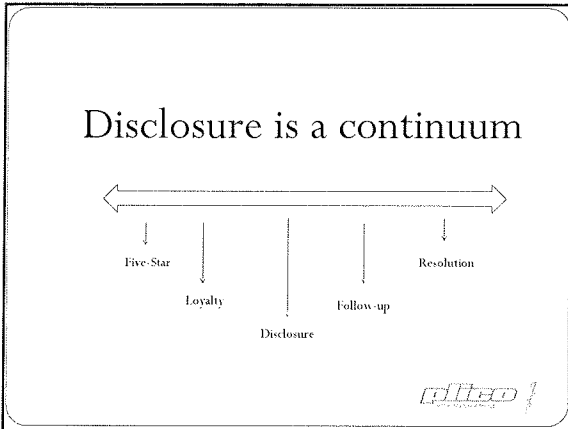
- Empathize
- Understanding concerns/validation
- Remediate
- Listen
- Explain
- Follow through



Create the Loyal Patient Relationship

- Five-star will help to create the trusting relationship that will transcend an event
- Allows for service recovery
- Defuse the angry patient
- It is a loyal relationship
- Not just with the patient
- Also the family






Sorry Works!—the Concept


“Sorry” is defined in the dictionary as:


- “feeling sorrow, regret, or penitence”
- “mournful, sad”
- “inspiring sorrow, pity, scorn, or ridicule: pitiful”




Sorry Works!

- Understand that “empathy” is appropriate 100% of the time
- Understand that communication about unanticipated outcomes in the right way, by the right people is key
- Understand a workable process for disclosure which can reduce liability exposure
- Recognize the difference between an empathetic “I’m sorry” and “apology”
- Know how to apologize to patients and families






Post-Adverse Event Communication...
is Key



With a Proper *Program* You Can
IMPACT...

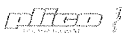
- *Whether* a patient sees a lawyer in the first instance
- *Whether* the lawyer takes the case
- *Whether* a juror awards damages



REDUCE LIABILITY RISK BY IMPROVING YOUR
PATIENT SATISFACTION

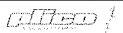
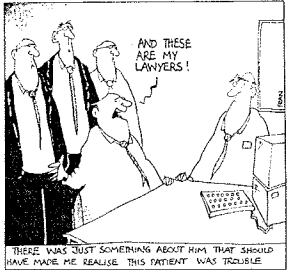
WILLIAM M. GANLEY, JR., D.D., F.D.C.P.
DIRECTOR AND CHIEF OF STAFF
NATIONAL CENTER FOR PATIENT SAFETY AND QUALITY
IMPROVEMENT, UNIVERSITY OF MICHIGAN

CONCLUSION
Communication, service, and patient satisfaction were known to be linked to liability risk, but the extent is greater than originally believed. Previous research found that satisfied patients are less likely to sue. That conclusion is further supported by this new research, which not only reinforces the previous research but finds that patient satisfaction is a strong driver of professional liability risk and litigation.




Patients Will See a Lawyer When...

- A lack of "relationship"
- Lack of or poor communication
- Lack of event management
- Lack of disclosure





Sorry Works!
Empathy is appropriate
100% of the time




Sorry Works!

- ...Knowing the difference
- "I'm sorry" = Empathy
- "I apologize" = Accepting responsibility
- Important that your patients know which you mean




An Empathetic "Sorry"

- *"Mrs. Jones, the surgery is over and I know you were looking forward to taking your mom home in a few days...you have that big birthday party with grandkids in a few days. But, I'm sorry to tell you she is in the ICU... the surgery didn't work out the way we expected. I'm so sorry..."*
- *"I can only imagine how upsetting this must be for you and, again, I'm very sorry this happened. Please know we are doing an investigation and will have some initial answers to you in the next two days..."*
- *"Please understand your mom is receiving the best care possible and we are going to keep you posted on her progress..."*
- *"In the meantime, is there anything I can do for you? Food or transportation? Can I help making phone calls? Do you need a minister? Here's my business card...don't hesitate to call me. I feel so bad for you...I'm sorry"*




What Was Said

- Speed: "I'm sorry" should be provided as soon as possible after adverse event.
- Empathy personalized and feelings of patient/family acknowledged
- The "s" word
- Taking the situation seriously
- Customer service elements
- Staying connected!

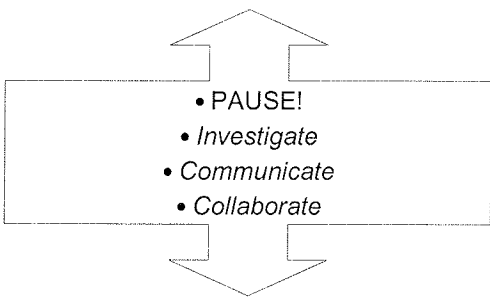


What Was NOT Said

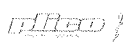
- No Admission of fault – yet!
 - Do NOT prematurely admit fault or play retrospection game
- No jousting or speculation – not time to throw colleagues under the bus!



When to APOLOGIZE



- PAUSE!
- Investigate
- Communicate
- Collaborate



Final Thoughts

- Five-Star Customer service improves patient satisfaction
- Satisfied patients are more likely to be loyal and return to your practice following an adverse event
- Satisfied patients are less likely to sue should an adverse event occur
- Empathy is appropriate 100% of the time
- It is important to know the difference between "sorry" and "apology"
- Disclosure is a continuum



Thank you



"You'll like it here. They treat you like a person rather than a number."

