

Dealing with Adverse Events, Complaints, and Medical Legal Litigation



ALBERTA
MEDICAL
ASSOCIATION

Physician and
Family Support
Program

The information found here is intended to provide immediate and useful information for physicians and their families when facing adverse events, complaints, challenges to privileges and medical legal litigation.

What You May Experience

- In adverse situations, you may experience intense emotion and confusion. You may feel disbelief, hurt, anger, sadness, guilt, shame, fear, anxiety and self-doubt.
- You may feel the urge to do something impulsive such as changing the way you practice, but this is not the best time to make significant decisions. Trust that these intense emotions will subside, especially once you've begun receiving the support you need such as legal counsel and counselling.
- Being excessively hard on yourself is unproductive – it can damage your morale and your ability to take action to make things better. Self evaluation, on the other hand, can be a positive motivator for change. Analyzing the incident as to how it happened, why it resulted in a complaint or legal suit, and what can be learned from the experience may even benefit you in the long run.
- Errors and adverse medical outcomes are usually the result of a number of factors. It's reasonable for you to acknowledge your role in the incident. Recognize, though, that others – staff, the hospital, the system and sometimes even the patient – may have played a role.
- You may feel that a complaint or legal suit is a betrayal or an affront in response to the long hours and the personal sacrifices of your career.
- Complaint and legal processes can be time consuming and take longer than you might wish. Focus on one step at a time, with the guidance of your lawyer as well as your counselor (PFSP). This can help prevent putting your life on hold, or dwelling on the “what ifs”.
- Make a point of caring for yourself and your family. Eating well, adequate sleep, exercise and allowing yourself some pleasurable activities will help you cope with this stressful experience.

Helpful Self-Talk & Actions To Take

- I can expect to be very upset. This is an emotionally painful experience.
- Being sued is not an attack on me personally.
- Virtually all physicians experience situations of miscommunication, adverse events and errors.
- Litigation and complaints can happen regardless of whether negligence actually occurred.
- It is reasonable that a patient should be compensated if he or she is injured by error.
- I owe it to myself to keep balanced thoughts by acknowledging all the positive contributions and relationships I've made in medicine. This unpleasant event does not need to diminish my overall satisfaction of the practice of medicine.
- It is appropriate to evaluate the situation, attend to my role in the incident and learn from this process.
- Right now the feelings are very intense and uncomfortable. This intensity lessens over time. I will make it through this; I will seek out help and support, and take one step at a time.

Impact On Family Members

- Your family can also expect to experience a wide range of emotions similar to the physician. They may also feel betrayed by the patient/health system. They may feel anger and shame as to how this situation might reflect on you.
- Initiate discussion about feelings and emotions with your family member. Encourage communication. In the Province of Alberta, communication between spouses is confidential. A physician family member cannot be forced to disclose.
- Seek support through the Physician and Family Support Program (PFSP) for yourself and other family members if you need information, advice or counselling.
- Seek help from PFSP if you, your spouse or other family members are suffering from depression or anxiety.
- Plan some family activities. Discuss and acknowledge each other's feelings.



When your patient experiences an adverse event or you receive a notice of claim, complaint or challenge to privileges, call:

Canadian Medical Protective Association (CMPA)

1.800.267.6522

- The CMPA is the organization through which physicians in Canada carry medical liability protection. They provide legal counsel across Canada. The CMPA is a great support and excellent source of information.
- Communicating and disclosing to your patient about an adverse event can be difficult. The CMPA has helpful information on disclosure available on their website at www.cmpa-acpm.ca
- Calling CMPA is a critical first step when facing an adverse event and prior to responding to a notice of complaint or a challenge to privileges.
- The CMPA physician advisor will be able to give you valuable advice. If necessary, you will be referred to appropriate legal counsel for further guidance.
- Uncertainty about the process of complaint or litigation is normal. The CMPA will guide and support you through the specific steps and processes to be taken. For more information go to:
 1. CMPA's website at <https://www.cmpa-acpm.ca/en/advice-publications/help-and-advice>
 2. CPSA's website at <http://www.cpsa.ca/complaints/our-complaints-process/>

Physician and Family Support Program (PFSP)

1.877.767.4637

- The Physician and Family Support Program is an Alberta Medical Association program available to all physicians, residents and medical students and their families in Alberta and the Yukon.
- PFSP provides valuable, confidential, emotional support and counselling for you and your family.
- Physicians are often concerned about the confidentiality of their information, and calls to the PFSP line and referral to our therapists are confidential and are not entered into the provincial electronic health record.

Tips

- Record everything you can remember about the incident for your own future reference. Protect and secure the medical file. Do not change or write anything on the file. Make a photocopy of the file.
- It is best not to discuss the content of a lawsuit, complaint or challenge with others. It is, however, acceptable and beneficial to share your feelings in general around this challenging experience with an appropriate, trusted individual.



Call us toll-free 1.877.SOS.4MDS
(767).(4637)

24 hours a day | 7 days a week | 365 days a year

The Physician and Family Support Program provides confidential support and help with personal health issues and enhances the quality of patient care and public safety by promoting health and well-being for the medical profession that cares for all Albertans.

