النادي الطبي

تَنوير

MEDICAL ETHICS

Lec no : 6

File Title : Medical malpractice

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وَقُل رَّبِّ زِدْنِي عِلْمًا

Medical Ethics
Medical malpractice
Subject 7

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Objectives

The students will be able to:

1. Define Medical errors;

2. Describe the burden of the Medical Errors.

3. Know the settings and the most common type.

4. Describe factors result in medical errors and list factors that impact on the occurrence of medical errors.

5. Learn strategies for error reduction and prevention

Definition

Medical malpractice : is professional **negligence** اهمال by **act or omission** امتناع by a health care provider in which the treatment provided **falls below the accepted standard of practice** أقل من مستوى الممارسة المقبولة in the medical community and causes injury or death to the patient, with most cases involving medical error.

Standards and regulations for medical malpractice vary by country and Authority within countries.

. تختلف من بلد لآخر

في دول تتعامل معه (بالتعويض المالي) ومنهم (بالحبس).

تأمينات المهنية الطبية

Medical professionals may obtain professional liability **insurances** to compensate the risk and **costs of lawsuits** based on medical malpractice.

خصوصًا في حالة كانت نسبة احتمال الخطأ كبيرة، مثل السعودية ← والتي تعتبر أكثر دولة يحدث فيها أخطاء طبية

"To err is Human: building a Safer Health System"

الإنسان خطّاء

" All doctors in all specialties make mistakes"

Who is at Risk?

- **All patients** –Especially older, sicker, more medications
- **All providers** –Especially trainees (المتدربين) or those learning new techniques
- **All settings** –Especially surgery, emergency care, ICU, prolonged care

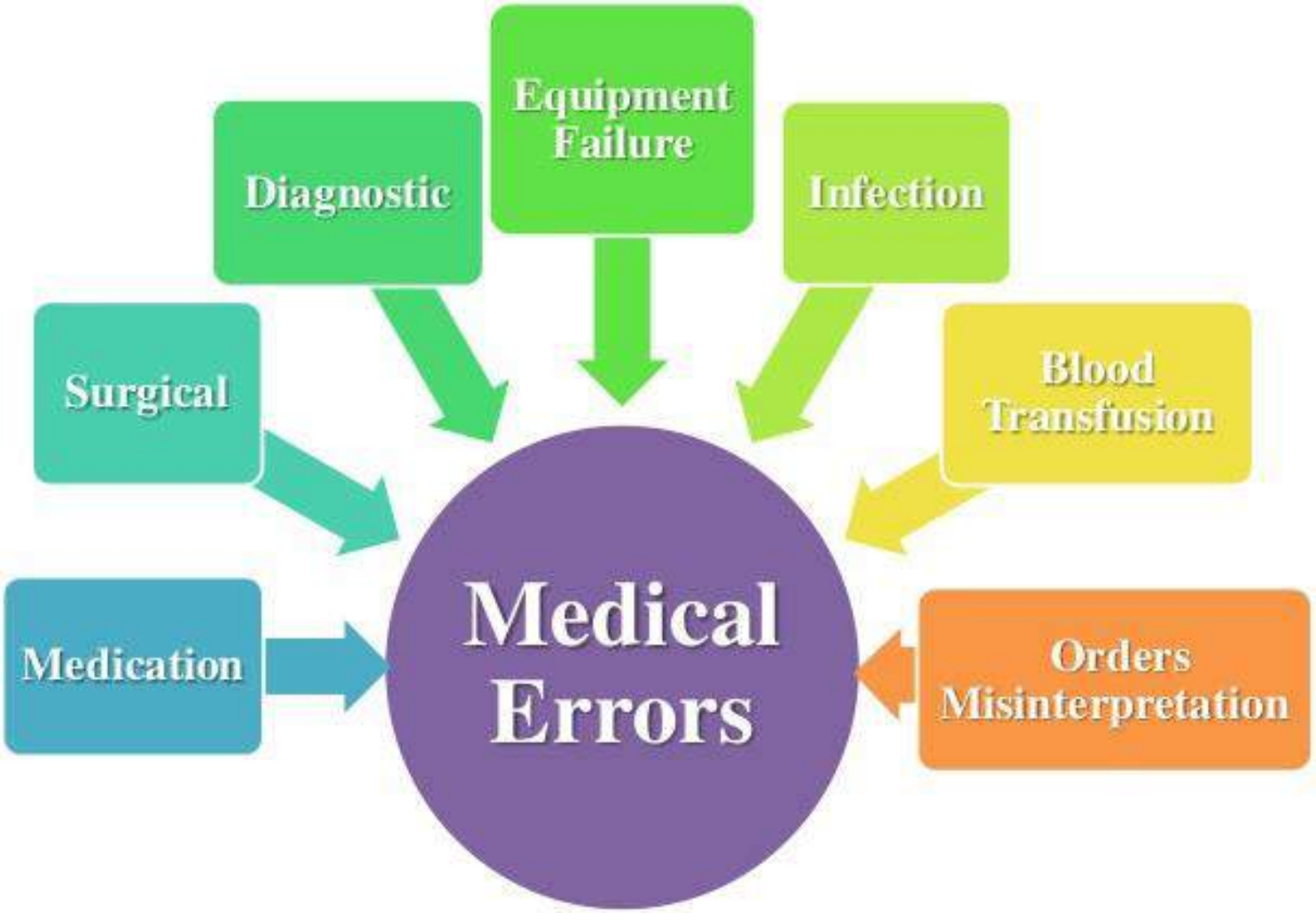
الاكثر عرضة لـ
مثل :
عدوى بكتيريا MRSA

What is Medical Error ?

خطأ بتنفيذ الاجراء
خطأ بالتخطيط

"...failure of a planned action to **be completed** as intended (**error of (تنفيذ), implementation**) or the use of a **wrong plan** to achieve an aim (**error of planning**)".

- Not all errors are intentional acts. ليست أفعال مقصودة
- Not all errors rise to level of medical malpractice or negligence. ليست كل الأخطاء ترقى إلى مستوى سوء الممارسة الطبية او الإهمال
- Not all errors result in harm to the patient.


Equipment Failure
Diagnostic
Infection
Surgical
Blood Transfusion
Medical Errors
Medication
Orders Misinterpretation

Adverse Events الأحداث السلبية

معناها انه صار خطأ تسبب ← Pasient لا harm
include: Complication + medical Errore

- "An injury to a patient because of **medical management**, in contrast to complications of disease.

لا تعبر عن مضاعفات المرض ← اخطاء من الادارة الطبية.

- Medical management includes **all aspects of care**, including diagnosis and treatment, failure to diagnose or treat, and the systems and equipment used to deliver care.

- Adverse events may be **preventable(error) or non-preventable.**

أغلب Advace event ممكن الوقاية منها.
وسببها الرئيسي Bad communication

- **Not all errors lead to adverse events. ("near misses").**

بغرفة العمليات ادوات غير معقمة والدكتور لم يتأكد ← فاحتمال المريض يـ infiction
لكن الطبيب عرف وأعطاه كمية كبيرة من المضاد ، فلم يصاب.

لـ انتوا يصير خطأ بس ما يصير harm
فمثلاً:

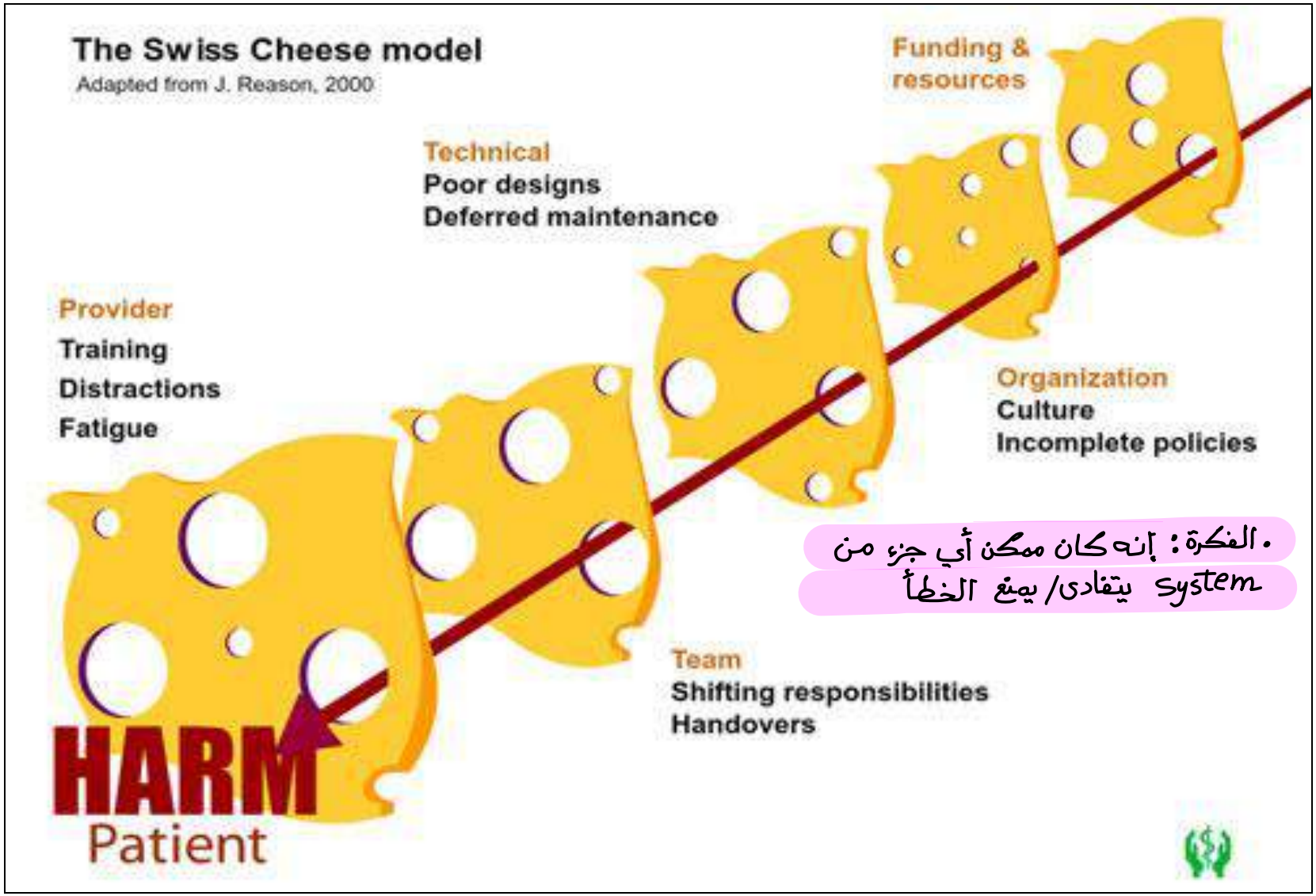
-**"Near-miss":** Serious error that has the potential to cause an adverse event but fails to do so because of chance or because it is intercepted. It is also called **potential adverse event**

الصدفة

لم تدارکه "منعه"

-**Latent errors:** Errors that lay '**dormant**' in the system and thereby render it vulnerable and unreliable. **Reason's model** serves to demonstrate that while one gap alone (e.g., understaffing, the supply of outmoded equipment,…) may not result in an error, were all the gaps or flaws in the system to **align — even for just a moment** — then there is a **high probability** that an (**active error**) will occur

system ← ممكن تكون بسبب بسبب الطبيب ← انه مش كل الأخطاء ← عالم ، حكى



الفكرة: إنه كان ممكن أي جزء من system يتفادى/ يمنع الخطأ

Epidemiology of Error

الأرقام مش حفظ

Adverse events are common:

- **In hospital**

3-17% of all hospital admissions

51-69% are due to error (preventable)

لـ ممكن نمنعه

- **Outpatient**

–Unknown

–Fewer safeguards

–Less monitoring

The Most Common Type

hospital acquired infection

• اكثر الأخطاء حدوثًا

- Wrong-site surgery (13.4%)
- Patient suicide (11.9%)
- Operative & postoperative complications (10.8%)
- Delay in treatment (8.6%)•
- Medication errors (8.1%)
- Patient falls (6.4%), and Burns

Causes Of Medical Errors

- Incomplete patient information.
- Unavailable drug information.
- Miscommunication.
- Lack of appropriate labeling.
- Environmental factors.

• أول ٤ نقاط سببهم bad communication

↳ Communication between 2 doctors.

↳ Bad handwriting

الخط السيئ للاطباء يتسبب بمقتل 7000 شخص سنويًا بالشرق الاوسط.

رَجاءً حسنوا خطكم 😁

• الترتيب مش حفظ
• الدكتورة حكت إنه رح تنزل final فيه حالات كثيرة على كل وصف

Categorization of errors:

• الدكتورة بتجيب حالات وتسأل بأي Descreption

Level	Description	Event
A	Circumstances or events occurred that had the capacity to cause error. • الظروف مهيئة انه يصير الخطأ بس ما صار. • مثل: دكتور ما عرف كيف يعالج المريض فعمل له Referal ؛	Harm does not reach patient لعما طلي المريض
B	Error occurred but did not reach the patient. • حدث خطأ لكنه لم يصل للمريض.	
C	Error occurred that reached the patient but did not cause patient harm.	
D	Error occurred that reached the patient and required monitoring to preclude harm or confirm that it caused no harm.	

Examples

A:

- دكتور دخل غرفة العمليات وشاف الادوات مش معقمة ، فطلب اعادة تعقيمها.

B:

- The doctor asked the patient about his name before the operation and discovered that he had changed the name written on the examination

C:

- الطبيب عمل عملية للمريض بأدوات غير معقمة وما صار infection على الرغم انه الطبيب كان متوقع.

D:

- الطبيب عمل عملية للمريض بأدوات غير معقمة وصار infection ، لكن الطبيب أعطاه مضاد حيوي وظل المريض تحت المراقبة.

Categorization of errors:

E	Error occurred that may have contributed to or resulted in temporary harm & required interventions.	
F	Error occurred that may have contributed to or resulted in harm & required an initial or prolonged hospital stay. يحل ← patient. المستشفى	Harm reaches patient.
G	Error occurred that contributed to or resulted in permanent patient harm. الخطأ رح يموت المريض وانا مباشرة لازم أتصرف.	
H	Error occurred that required intervention to sustain the patient's life.	
I	Error occurred that contributed to or resulted in patient death.	

* Exampels:-

E: • مثلاً : جرح المريض كان محتاج زيادة خياطة وما يأثر

F: • اعطاء المريض دواء لديه حساسية منه.

G: • قطع شريان رئيسي أثناء عملية جراحية كاد أن يقتل المريض

H: • خطأ يؤدي إلى بتر قدم المريض

I: • تأخير الطبيب عن إجراء عملية جراحية مستعجلة مثل: عمليات الولادة التي قد تؤدي إلى موت الام والجنين.

Types and Examples of Medical Errors

ERROR
Diagnosis or evaluation
Medical decision-making
Treatment
Medication
Inadequate supervision
Faulty communication
Procedural complications
Medical decision-making

Types and Examples of Medical Errors

ERROR	EXAMPLE
Diagnosis or evaluation	Missed diagnosis
Medical decision-making	Inappropriate or premature discharge
Treatment	Waiting when treatment is indicated
Medication	Incorrect dosage
Inadequate supervision	Failure to review treatment plan
Faulty communication	Failure to convey information
Procedural complications	Faulty technique
Medical decision-making	Inappropriate or premature discharge

Most of these errors are preventable

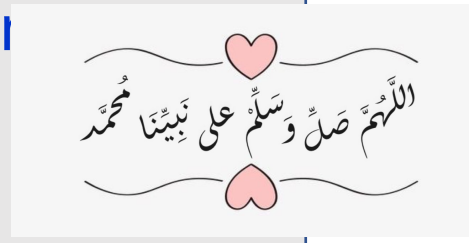
What are the 10 things that can kill a patient in the hospital?

تؤدي إلى تأخر العلاج أو
إلى عواقب مميتة.

1. Misdiagnosis:

The **most common type** of medical error.

A wrong diagnosis can result in delay in treatm
sometimes with deadly consequences.



2. Unnecessary treatment:

Thousands of people receive unnecessary treatment that cost them their lives.

الجرعات الزائدة للأدوية الموصوفة.
علاجات لا يحتاجها.

3. Unnecessary tests and deadly procedures:

Studies show that $700 billion is spent every year on unnecessary tests and treatments, it can also be deadly.

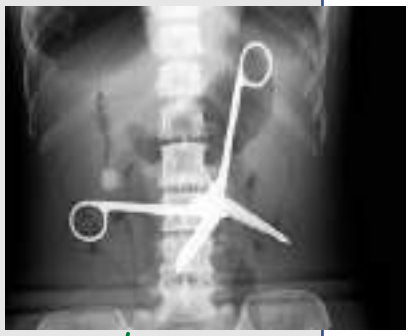
Rist medical test such as: biopsy "الخزعة"

4. Medication mistakes.

Over 60% of hospitalized patients **miss their regular medication** while they are in the hospital.

مثل: المرضى كبار السن

- **Wrong medications** are given to patients; allergy, wrong dose,



أخطاء من أسباب من المستحيل حدوثها.

5. Never events”.

- Operating on wrong limb or the wrong patient.

تتخيلوا

- Food meant to go into stomach tubes go into chest tubes

الطعام الذي من المفترض أن يدخل إلى أنابيب المعدة يذهب إلى أنابيب الصدر

- Air bubbles go into intravenous catheters, resulting in strokes.
- Sponges, wipes, and even scissors are left in people’s bodies after surgery.

لم يتركوا الادوات داخل جسم المريض

- These are all “never events”, meaning that they should never happen, but they do, often with deadly consequences.

6. Uncoordinated care.

"lack of communication"

المريض يعتني به اكثر من متخصص
اللذين يكتون الملاحظات مع غياب التنسيق بينهم .

If a patient went to the hospital, chances that he won't be taken care of by his regular doctor, but by the doctor on call.

- He'll probably see several specialists, who writing notes in charts but rarely coordinate with each other.

- He may end up with two of the same tests, or medications that interfere with each other.

وقد ينتهي به الأمر إلى إجراء اختبارين من نفس الاختبارات، أو تناول أدوية تتداخل مع بعضها البعض.

- There could be lack of coordination between his doctor and the nurse, which can also result in confusion and medical error.

Bad relationship between doctor - nurse

7. Health care associated infections.

اكثر عدوى تصير هي ammonia ← in ICU
تصير infection ← في داخل المستشفى

According to the Centers for Disease Control, hospital-acquired infections affect 1.7 million people every year.

The most common cases

- These include pneumonias①, infections around the site of surgery②, urinary infections③ from catheters, and bloodstream infections from IVs.

- Such infections often involve bacteria that are **resistant to many antibiotics,** and can be deadly, especially to those with weakened immune systems

ممكن تكون مميتة للاشخاص ضعاف المناعة.

8. Not-so-accidental "accidents".

مثلاً : واحد مُسن يحتاج حدا يوقف معه لما يدخل الحمام ، الممرض مش موجود يدخل المريض لوحده فيسقط ويصير كسر

- Every year, 500,000 patients fall while in the hospital.
- As many "accidents" occur due to malfunctioning medical devices. Defibrillators don't shock; hip implants stop working; pacemaker wires break.,…..
- They happen for 1 in 100 people.

نتأكد من الاجهزة المتوفرة.
نأكد على نوعية الغذاء وكميته داخل المستشفى.

9. Missed warning signs.

علامات التحذير المفقودة

When patients get worse, there is usually a period of minutes to hours where there are warning signs.

لما حضرتك ما بتابع شغل الممرضة اللي طلبت منها تشيك على الحرارة كل ٤ ساعات.

Unfortunately, these warning signs are frequently missed, so that by the time they are finally noticed, there could have been irreversible damage.

بسوء الحظ

مثل دكتور التخدير المشغول بالتلفون وما انتبه للمريض إلا بعد ما تضرر.

ضرر لا يمكن اصلاحه

10. Going home—not so fast

لما نكتب للمريض خروج "بكير"،
وما نحكيله معلومات كافية عن حالته أو كيف يعتني بنفسه.

Studies show that 1 in 5 Medicare patients return to the hospital within 30 days of discharge from the hospital.

• This could be due to patients being discharged before they are ready, without understanding their discharge information, without adequate follow-up, or if there are complications with their care.

• The transition from hospital to home is one of the most vulnerable times, and miscommunication and misunderstanding can kill a patient after getting home from the hospital too.

Thinking about error

Etiology -Why do errors happen?

Response -What should we, as a system or profession, do when we discover an error?

- Two schools of thought:

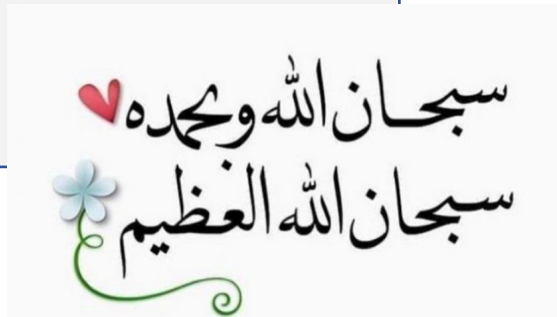
حصل error والمريض مات ، والمدير عرف ، الخطأ سبب سوء الإدارة ، فلازم نفكر ليش صار الخطأ أصلاً قبل معاقبة الآخرين.

–The person approach

يقوم الشخص باصلاح الخطأ فورما يستطيع .

–The system approach

الاصلاح على مستوى النظام كامل ← وهو أفضل .



Proving Fault in Medical Malpractice Cases

• المريض الذي يتوجه للقضاء مشان خطأ طبي.

Legal liability for injuries caused by medical malpractice can be established under a number of legal theories:

• من الامور التي تساعد الطبيب للدفاع عن نفسه :-
• Record
• اثبات الموافقة (بتوقيع المريض) "Consent"

Negligence

Most medical malpractice cases proceed under the theory that a medical professional was negligent in treating the patient.

To establish medical negligence, an injured patient must prove (**Elements of the case**) عناصر القضية

لـ والتي يعرضها المحامي

The medical malpractice claim

The party ① متقدم الطلب

1. The **applicant** is or was the **patient**, or a legally chosen party acting on behalf of the patient, or – in the case of a wrongful-death suit – the executor or administrator of a deceased patient's estate. الوصي او الوريث

2. The **defendant** is the **health care provider**.

القضية ممكن تكون على اي مقدم للخدمة

Although a 'health care provider' usually refers to a physician, the term includes any medical care provider, including dentists, nurses, and therapists," following orders" may not protect nurses and other non-physicians from liability when committing negligent acts. Claims may also be brought against hospitals, clinics, managed care organizations or medical corporations for the mistakes of their employees.

Elements of the case: عناصر القضية

A applicant must establish all four elements of the tort(Harm) of negligence for a successful medical malpractice claim.

أربع عناصر لتكون القضية ناجحة لصالح المريض

الواجب يكون حق من حقوق المريض

1.A duty was owed: a legal duty exists whenever a hospital or health care provider undertakes care or treatment of a patient.

انتهاك الواجب : الخطأ في تطبيقه ،أو عدم تطبيقه أصلاً

2.A duty was breached: the provider failed to conform to the relevant standard care.

أدت إلى حدوث إصابة

3. The breach caused an injury: The breach of duty was a proximate cause of the injury.

4

بدون harm لا تصح الشكوى

5. Damage: Without damage (losses which may be economic or emotional), there is no basis for a claim, regardless of whether the medical provider was negligent. Likewise, damage can occur without negligence, for example, when someone dies from a fatal disease.

Damages

بالأخير إما يتعوض المريض يتعاقب الطبيب

The applicant's damages may include compensatory and punitive damages.

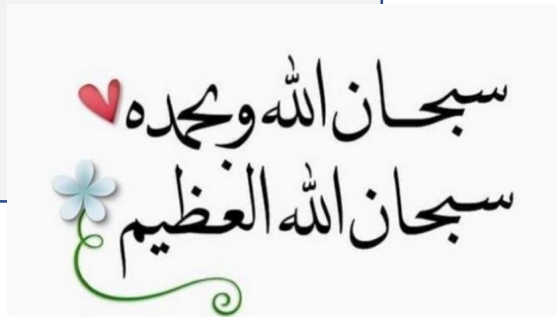
Compensatory damages are both economic and non-economic.

harm أدى إلى خسارة وظيفته ، أو دفع كثير مشان يعالج الخطأ.

- Economic damages include :
  - financial losses such as lost wages (sometimes called lost earning capacity),
  - medical expenses and
  - life care expenses.

- Non-economic damages are assessed for the injury itself:

  - physical and psychological harm, such as loss of vision, loss of a limb or organ, الضرر الجسدي و النفسي.
  - the reduced enjoyment of life due to a disability or loss of a loved one, لـ شخص من الاقارب مات.
  - severe pain and emotional distress.



Informed Consent

لا يحميك ١٠٠٪.
لكن لازم توضح للمريض اللي ممكن يصير، طمامش شفوي، لازم مكتوب

In many situations, the failure to obtain a patient's "informed consent" relative to a procedure or treatment is a form of medical negligence, and may even give rise to a cause of action for battery.

Although the specific definition of informed consent may vary from state to state, it means essentially that a physician (or other medical provider) must tell a patient all of the potential benefits, risks, and alternatives involved in any surgical procedure, medical procedure, or other course of treatment, and must obtain the patient's written consent to proceed.

Breach of Contract or Warranty

خرق العقد أو الضمان خصوصًا إذا كان شفوي
واكترشي تصير مع أطباء التجميل.

Although doctors very rarely promise specific results from procedures or treatments, in some cases they do, and the failure to produce the promised results may give rise to an

For example, a plastic surgeon may promise a patient a certain result, which result may be judged more easily than other types of medical results, simply by viewing the patient. Similarly, if a patient is not satisfied with the outcome of a procedure, and the physician had guaranteed or warranted a certain result, the patient may attempt to recover under a theory of breach of warranty.

The focus must not be ON BLAMING INDIVIDUALS but on LEARNING FROM PAST errors

Error prevention measures include	Examples in medical practice
Reduced reliance on memory انك تعتمد على ذاكرتك لحفظ معلومات المريض ، حالته أدويته . المفروض يكون كله ر ← (File).	Checklists, flow sheets, tickler systems
Improved information access الوصول للمعلومة الصحيحة بأفضل الطرق .	Handheld computer, electronic medical records
~~Error proofing systems.~~	~~Fail-safe to avoid prescribing two drugs that interact fatally~~
Standardization التزم بالمطلوب بدون مزاودات .	Office formularies, guidelines synthesis
~~Training on error identification and prevention~~	~~Staff in services.~~

NOT ACCEPTABLE for patients to be harmed by a health care system

إن اللَّه دائمًا يُحقق

المستحيلات

بالطريقة الأكثر إستحالة

فاطمة