

## From the Files of MGIS...

# Ten Simple Ways Physicians Can Avoid a Malpractice Suit

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Even the best physicians face the possibility of a lawsuit on an almost daily basis. However, research shows that many lawsuits today are not about medical errors, but about poor communication and misunderstanding.

Ensuring effective communication should become a systematic and integrated approach into overall efforts to minimize errors, improve outcomes, control med-mal costs, maintain contracts, and manage the reputation of your practice.

Below is a practical guide, based on 28 years of experience working with physicians, to minimize liability claims stemming from communication oversights and misunderstandings.

- 1. Be Courteous** – Common courtesy and consideration go a long way. People are less likely to sue a physician with whom they have a positive relationship, even if something goes wrong. Remind your staff to be courteous as well as it's the overall experience at your office, not just your interaction, the patient will judge.
- 2. Do Your Homework** – Physicians are pressed for time, but it's vitally important to take time to review charts prior — not during — the appointment. Know about the patient's previous visits and the reason for the current one. Keep notes on family members, pets, hobbies, or other areas of interest so you can build a relationship that will help both you and the patient create a partnership toward better health.
- 3. Avoid the EHR Trap** – While electronic health records (EHRs) are an important advancement, it is critical to remember these are just tools. Remember that EHRs generally contain a time stamp showing when you reviewed it, and for how long. Take time to carefully review every test result. That review period becomes part of the medical record and if it shows a hurried review, it could be detrimental to a defense.
- 4. Remember to Follow Up** – Physicians who have protocols in place to ensure there is follow up regarding missed appointments and tests are less likely to be sued. The protocols should be written, a system created for tracking, and documented in each patient's chart.
- 5. Communicate Clearly and Effectively** – A neurosurgeon once told me he found it difficult to explain procedures to patients. Recognizing how important it was, he brought in another physician, who was a stronger communicator. He would explain the procedure, but his colleague would review consent and other forms, answer questions, and ensure patients fully understood their procedures.
- 6. Ensure Patients Fully Understand** - Take time to ensure your patient understands their diagnosis, treatment, and medication plans, and then check their understanding by asking them to explain it back. This ensures instructions are properly followed and shows the patient you care.



**7. Listen and Learn** – Patients are generally not shy about providing feedback. Implement a suggestion box, e-mail box, and/or satisfaction survey and then share the results with your team. Have a designated person who is responsible for following up on patient feedback and be sure to take actions to show patients you listened to their concerns and suggestions.

**8. Expand your Educational Horizons** – While most physicians stay up to date with the latest CME for their specialty, increasing advances in healthcare make it important to know what's happening in the world of medical news. Often medical news is reported in consumer publications and the Internet, and may be provided to your patients via other sources. Even if you don't perform specific procedures, your ability to discuss them with your patients will reinforce their confidence in you.

**9. Think Like a Patient** – Patients want to believe they are the most important person you will see that day and that you are 100 percent focused on them. While this isn't feasible, taking time to think like a patient, and understand the condition from their perspective, can help you become a more empathetic physician and build a better relationship.

**10. Be Consistent** – Consistently delivering on the items above can significantly lower your risk of being sued. Utilize your tools (CME, EHR, and your innate ability to care) and remember each patient believes he or she has a personal relationship with you. Creating systems, guidelines and accountability for communication will reduce your chances of a medical liability suit, while also enhancing your reputation as a quality physician to payers and your community.

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