

Promoting CARE in the Legal Community

The Problem

We use the Communication, Apology, and Resolution (CARE) approach with patients and families when an unanticipated adverse outcome occurs. If the adverse event meets certain criteria, we offer the patient compensation for injuries in a timely manner, outside of the courtroom. Under this model, patients are encouraged to seek legal representation to ensure adequate and fair compensation, but we are aware that they may not have the knowledge or expertise to obtain qualified legal representation on their own, and may feel overwhelmed and unprepared to do so.

Aim/Goal

In an effort to ensure timely and fair compensation, maintain a trusting relationship with the patient/family, and preserve the credibility of the CARE program, we want to educate attorneys on the CARE approach. Promoting CARE in the legal community will allow attorneys to get information about how the program works in Massachusetts and understand the benefits of the program for their clients. Getting support for the CARE program from attorneys will help resolve cases early and collaboratively, thereby decreasing costs and litigation.

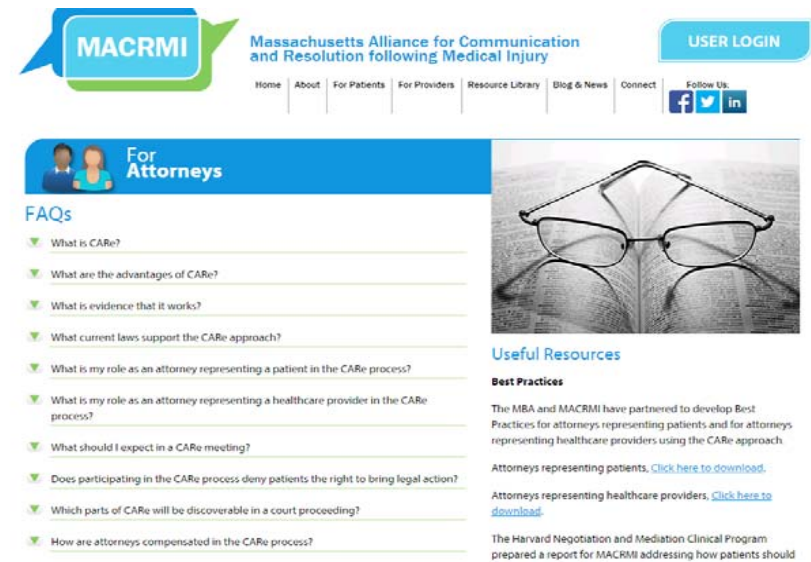
The Team

BIDMC – Ken Sands, MD, MPH, Pat Folcarelli, Ph.D., Melinda Van Niel, MBA, Lisa Buchsbaum, MPH, and the staff of Patient Safety in Health Care Quality. The Massachusetts Alliance for Communication and Resolution following Medical Injury (MACRMI) supports the pilot and promotes the CARE model statewide.

The Interventions

- The Harvard Negotiation and Mediation Clinic Program (HNMCP) prepared a report for MACRMI and BIDMC to address how patients should be represented when they participate in the CARE process.
- MACRMI and the Massachusetts Bar Association (MBA) partnered to develop Best Practices for attorneys representing patients and healthcare providers in resolution of medical injury using the CARE approach.
- MACRMI and the MBA co-sponsored a forum to present CARE which allowed attorneys to hear from attorneys with experience using the approach.
- We made adaptations to the MACRMI website, including a page for attorneys to access information about the CARE process, read FAQs, and download useful resources.

The Results/Progress to Date



The screenshot shows the MACRMI website interface. At the top, there is a navigation bar with the MACRMI logo and the text 'Massachusetts Alliance for Communication and Resolution following Medical Injury'. Below the navigation bar, there is a 'For Attorneys' section with a list of FAQs. To the right of the FAQs, there is a 'Useful Resources' section with a list of 'Best Practices' and links to download reports. The website has a clean, professional design with a blue and white color scheme.

Lessons Learned

- Attorneys should be experienced in medical malpractice litigation and knowledgeable of the CARE approach to help the patient obtain an appropriate resolution, however many are unfamiliar with CARE process.
- The HNMCP report recommended that having a list of competent attorneys available for patients would be useful.
- Many attorneys are skeptical of the CARE approach at first, so in order to combat this we learned that interactive educational sessions have great value in showing them how CARE can benefit the patient, and having their questions answered directly from attorneys with experience using this approach.

Next Steps/What Should Happen Next

- Continue to educate attorneys on the CARE process.
- Develop criteria for attorneys who are interested in becoming “qualified” in the CARE process.
- Curate a list of competent attorneys for patients to access that will be located on the MACRMI website.

For more information, contact:

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