

MEDICAL MALPRACTICE: WHAT IT IS AND HOW TO AVOID IT



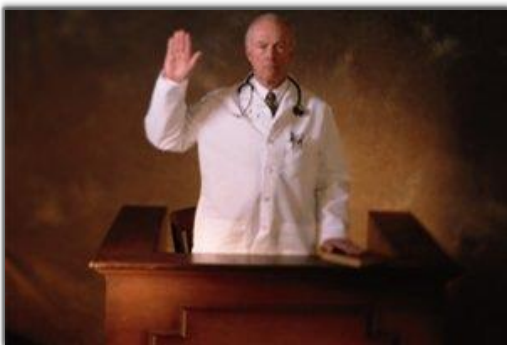
Professional Negligence

Duty-Breach-Causation-Damages

Breach of the “Standard of Care”

- Failure to use **ordinary and reasonable care, skill, and knowledge**
- That others engaged in **same or similar lines of work** would exercise under **similar circumstances**
- In **same or similar community**

HOW DO YOU PROVE MALPRACTICE?



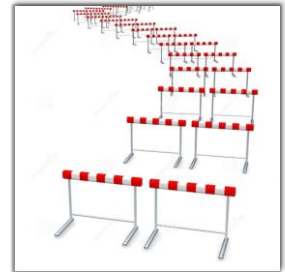
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WHAT HAPPENS DURING LITIGATION?

Stages of Litigation



Pleading
Attorney Investigation
Discovery
Expert discovery
Pretrial Preparation
Trial



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APPLICATION TO HOSPITAL STAFF

- You and your peers establish SOC
- Must keep abreast of new developments and literature
 - Texts and professional articles can be critical!
 - Evidence of SOC
- Must know and follow policies, procedures, and protocols of the hospital
 - Evidence of SOC
 - Difficult to defend violations
- Take advantage of continuing education opportunities
- Risk of personal liability?

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RM PRACTICES WHILE IN LITIGATION

- **Don't** discuss facts or litigation unnecessarily
- **Don't** alter records or create documents
- **Do** communicate and cooperate with defense counsel

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RM PRACTICES TO AVOID MALPRACTICE AND MALPRACTICE LAWSUITS

- **Know and strive to meet the SOC**
 - Concentrate
 - Communicate
 - Consult
 - Document
 - Listen
 - Be professional
 - Be compassionate – Golden Rule
 - Be courageous

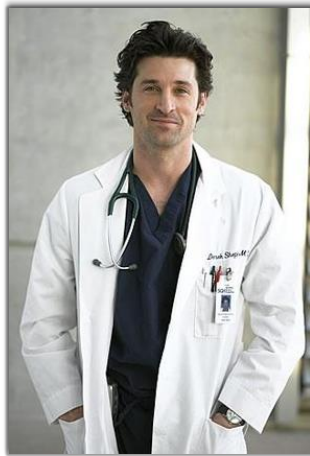


vs.



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RM PRACTICES TO AVOID MALPRACTICE AND MALPRACTICE LAWSUITS



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INFORMED CONSENT

- Not a consent form
- It is a process
- Forms may be used as part of the process, but dialogue is necessary

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QUESTIONS?

Travis W. Tettenborn

ttettenborn@clinewilliams.com

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