

MALPRACTICE LITIGATION STRESS



This too shall pass

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ON THE DOCKET

- SIGNS AND SYMPTOMS OF LITIGATION STRESS
- IMPACT ON THE ED
- ANATOMY OF A LAWSUIT
- WHAT A MEDICAL DIRECTOR CAN DO
- WHAT CAN GET A MEDICAL DIRECTOR SUED
- HOW TO HELP YOUR STRESSED PHYSICIANS

STRESS

FRUSTRATION
DEPRESSED
TENSION

CHRONIC
BREAKDOWN
PSYCHOLOGICAL

EMOTIONS
CORPORATE
PAIN
STRESSED

BAD PROFESSIONAL
BUSINESS ALARM
DIFFICULTY
CONSTERNATION
FAILURE

BUSINESSMAN
HEART
UNHAPPY
HARD
HEALTH
EXTREME
DESPERATE
SYMPTOM
SADNESS
HELP
UPSET

HORMONES

ANXIETY
MANAGER

TROUBLE
THERAPY
PSYCHOLOGY
HEAD
EMPLOYEE
EMOTIONAL
FRUSTRATED
PROBLEM

DEPRESSION
CAUSES
TRAUMA
WORRY
ANGER
EXHAUSTED
EXPRESSION

FATIGUE
PRESSURE

HEADACHE
EFFECT
PANIC
TIRED

EXHAUSTION
BRAIN

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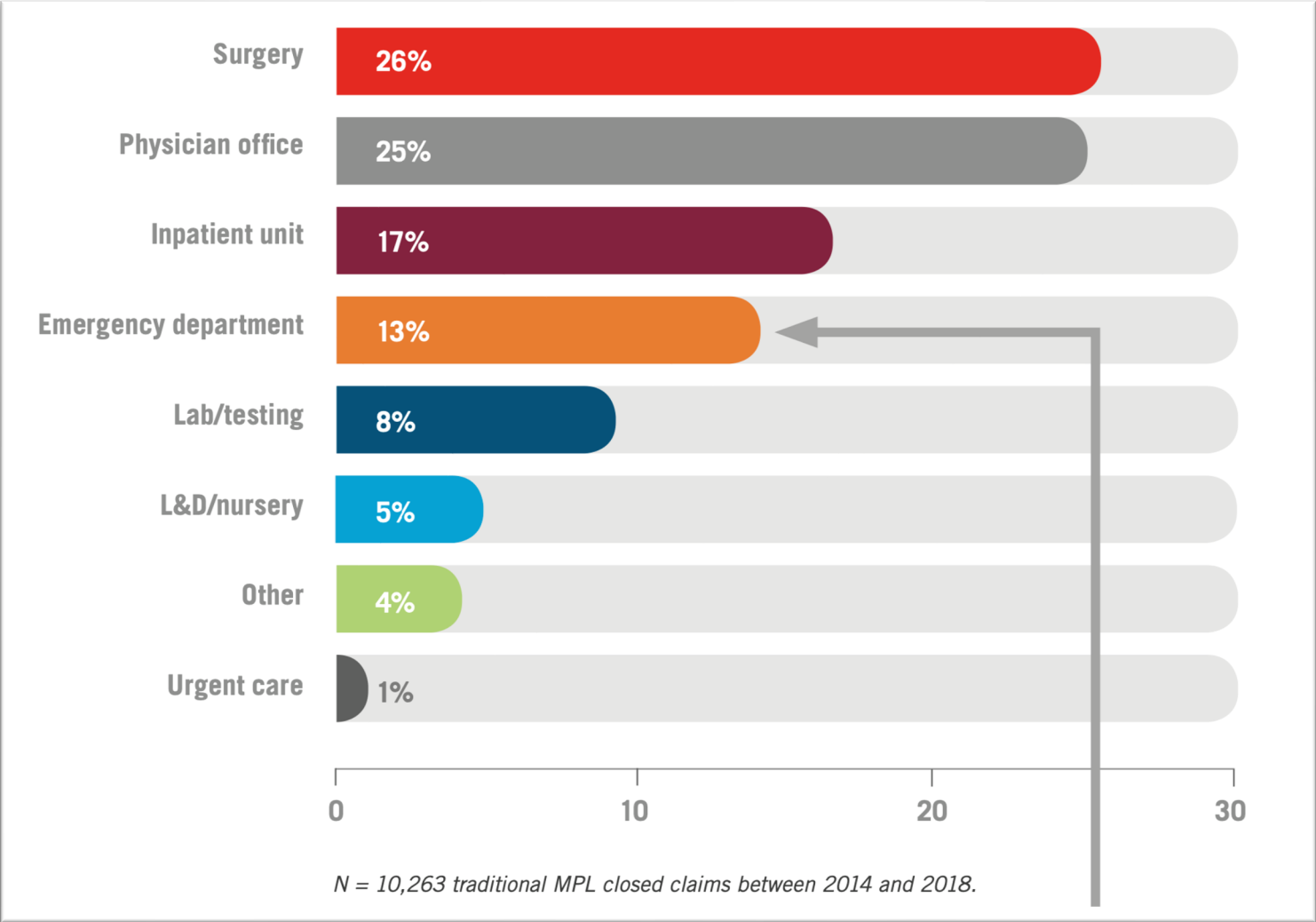
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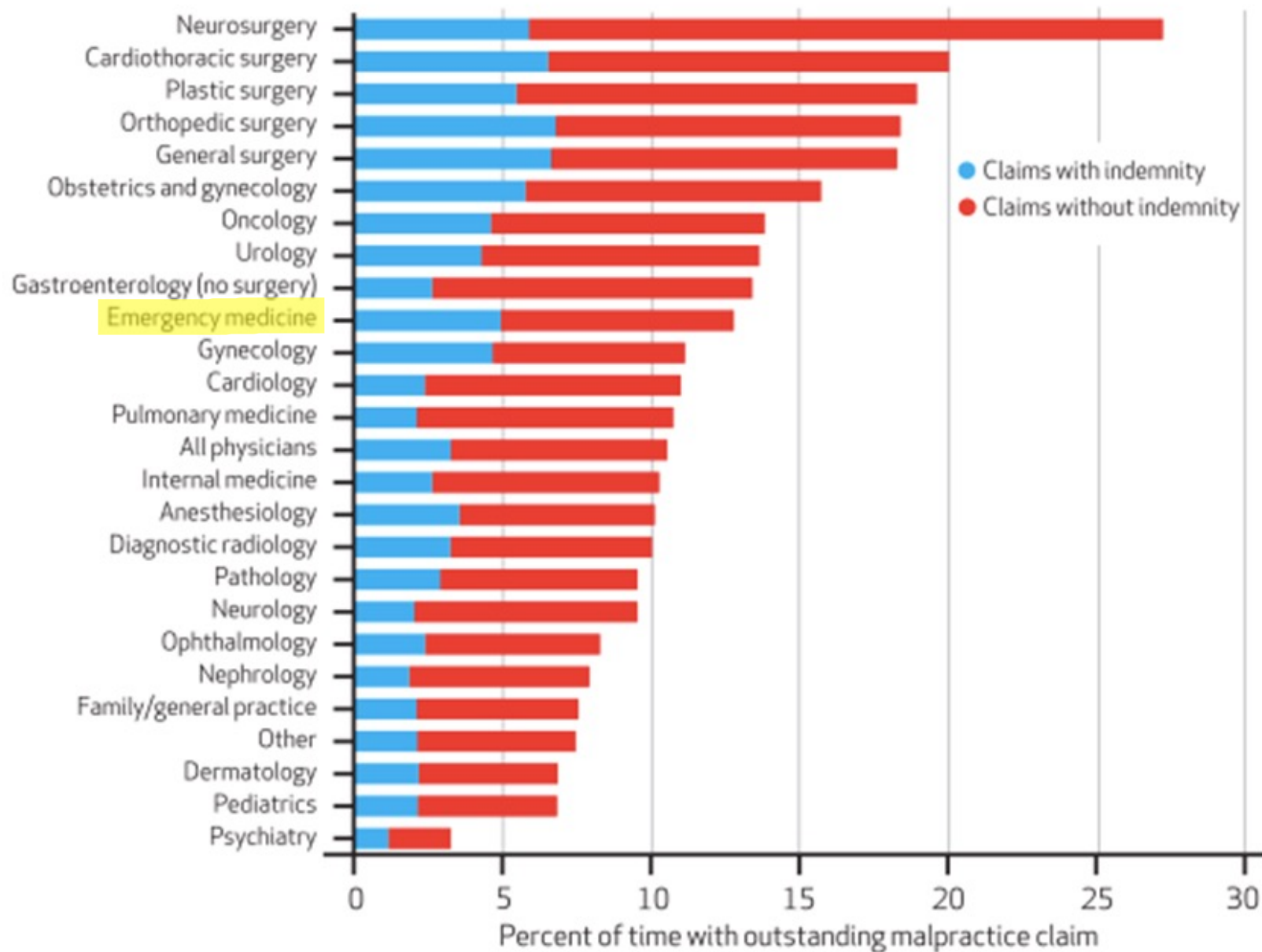
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IT HAPPENS HERE



Proportion Of A Physician's Career Spent With An Open Malpractice Claim, By Physician Specialty



IMPACT ON THE ED



ANATOMY OF A LAWSUIT

- INITIAL COMPLAINT
- DISCOVERY
- MOTIONS
- SETTLEMENT
- PRETRIAL
- TRIAL







WHAT CAN BE DISCUSSED?



Administrative Negligence



DEYA V. HIAWATHA HOSPITAL



Letter of
Recommendation





HOW TO MITIGATE STRESS

- RECOGNIZE SYMPTOMS
- KNOW THY PHYSICIAN
- INTERVENE EARLY

ACEP Wellness & Assistance Program

ACEP members have access to three, **FREE** confidential counseling or wellness coaching sessions, in partnership with Mines & Associates.

You may choose to use your three sessions in any combination of counseling and wellness coaching up to the session limit.

Call **1-800-873-7138** to register and begin using your sessions for:

- **Counseling sessions** can cover everyday issues including stress, anxiety, depression, family issues, drug and alcohol abuse, relationships, death and grief, more. When you call in for a referral, the clinical staff will assess your situation, discuss plans for resolving your issues, advise you of available resources, and refer you to a local counselor.
 - Schedule a face-to-face appointment near your office, home, school
 - Access sessions through phone, text or online messaging (available 24 hours a day, 7 days a week)
- **Wellness coaching sessions** are 30-minute phone calls to help you reach your personal wellness goals. NBME board-certified wellness coaches can help you set specific wellness goals and plan for progress checks along the way to help you reach your objectives. Areas of focus can include weight loss, nutrition, healthy habits, stress, caffeine reduction, injury recovery, relationships, sleep, smoking cessation, and more.
- ACEP's Member Wellness & Assistance Program is **strictly confidential** and is provided as part of your ACEP membership, so there is **no charge** to you to utilize these services.
- For emergencies and crisis situations, they are **available 24 hours a day**, including holidays.

RESOURCES

- ACEP WELLNESS RESOURCES
- [HTTPS://WWW.ACEP.ORG/LIFE-AS-A-PHYSICIAN/ACEP-WELLNESS-AND-ASSISTANCE-PROGRAM/](https://www.acep.org/life-as-a-physician/acep-wellness-and-assistance-program/)
- [HTTPS://WWW.ACEP.ORG/LIFE-AS-A-PHYSICIAN/ETHICS--LEGAL/MEDICAL-LEGAL2/MEDICALLEGAL/](https://www.acep.org/life-as-a-physician/ethics--legal/medical-legal2/medicallegal/)
 - SO, YOU HAVE BEEN SUED
 - LITIGATION STRESS – A PRIMER
- PHYSICIANLITIGATIONSTRESS.ORG
- MEDICAL MALPRACTICE SURVIVAL HANDBOOK (MOSBY, 2007)
- MDMENTOR.COM

STRATEGIES FOR SUCCESS

- ANTICIPATE IMPACT ON ED AND PHYSICIANS
- REVIEW AND UPDATE POLICIES AND PROCEDURES
- IDENTIFY SYSTEMS ERRORS
- OFFER SUPPORT, RESOURCES, AND WELLNESS

SELECTED SOURCES

- “EMERGENCY DEPARTMENT RISKS,” COVERYS, [HTTPS://WWW.COVERYS.COM/PDFS/COVERYS-A-DOSE-OF-INSIGHT-EMERGENCY-DEPARTMENT.ASPX](https://www.coverys.com/pdfs/coverys-a-dose-of-insight-emergency-department.aspx)
- DEYA VS HIAWATHA HOSPITAL ASSN, [HTTPS://CASETEXT.COM/CASE/DEYA-V-HIAWATHA-HOSPITAL-ASSOCIATION](https://casetext.com/case/deya-v-hiawatha-hospital-association)
- “LITIGATION STRESS” [HTTP://CRIMINAL-JUSTICE.IRESEARCHNET.COM/FORENSIC-PSYCHOLOGY/LITIGATION-STRESS/](http://criminal-justice.iresearchnet.com/forensic-psychology/litigation-stress/)
- “MALPRACTICE RISK ACCORDING TO PHYSICIAN SPECIALTY,” ANUPAM B. JENA, M.D., PH.D., SETH SEABURY, PH.D., DARIUS LAKDAWALLA, PH.D., AND AMITABH CHANDRA, PH.D., N ENGL J MED 2011; 365:629-636 [AUGUST 18, 2011](https://doi.org/10.1056/NEJMSA1012370) DOI: 10.1056/NEJMSA1012370, [HTTP://WWW.NEJM.ORG/DOI/PDF/10.1056/NEJMSA1012370](http://www.nejm.org/doi/pdf/10.1056/NEJMSA1012370)
- “MEDICAL MALPRACTICE STRESS SYNDROME” [HTTPS://WWW.ACEP.ORG/GLOBALASSETS/UPLOADS/UPLOADED-FILES/ACEP/PROFESSIONAL-DEVELOPMENT/FACULTY-DEVELOPMENT/MEDICAL-MALPRACTICE-STRESS-SYNDROME-ARTICLE-FOR-WEB.PDF](https://www.acep.org/globalassets/uploads/uploaded-files/acep/professional-development/faculty-development/medical-malpractice-stress-syndrome-article-for-web.pdf)
- ADAPTED WITH PERMISSION FROM MALPRACTICE LITIGATION STRESS: DOCTORS BEWARE, G SCHMITZ, MD, FACEP