

MALPRACTICE LITIGATION STRESS




This too shall pass

DIANA NORDLUND, DO, JD, FACEP



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

STRESSED

PAIN

EMOTIONS
CORPORATE

BAD PROFESSIONAL

BUSINESS ALARM

DIFFICULTY
CONSTERNATION

FAILURE

BUSINESSMAN

HEART

UNHAPPY

HARD

HEALTH

EXTREME

DESPERATE

SYMPTOM

SADNESS

UPSET

HELP

HORMONES

ANXIETY

MANAGER

EMERGENCY

THERAPY

DEPRESSION

CAUSES

TRAUMA

PRESSURE

HEADACHE

EXHAUSTION

BRAIN

TROUBLE

PSYCHOLOGY

HEAD

EMPLOYEE

EMOTIONAL

FRUSTRATED

PROBLEM

DEPRESSION

WORRY

ANGER

CRISIS

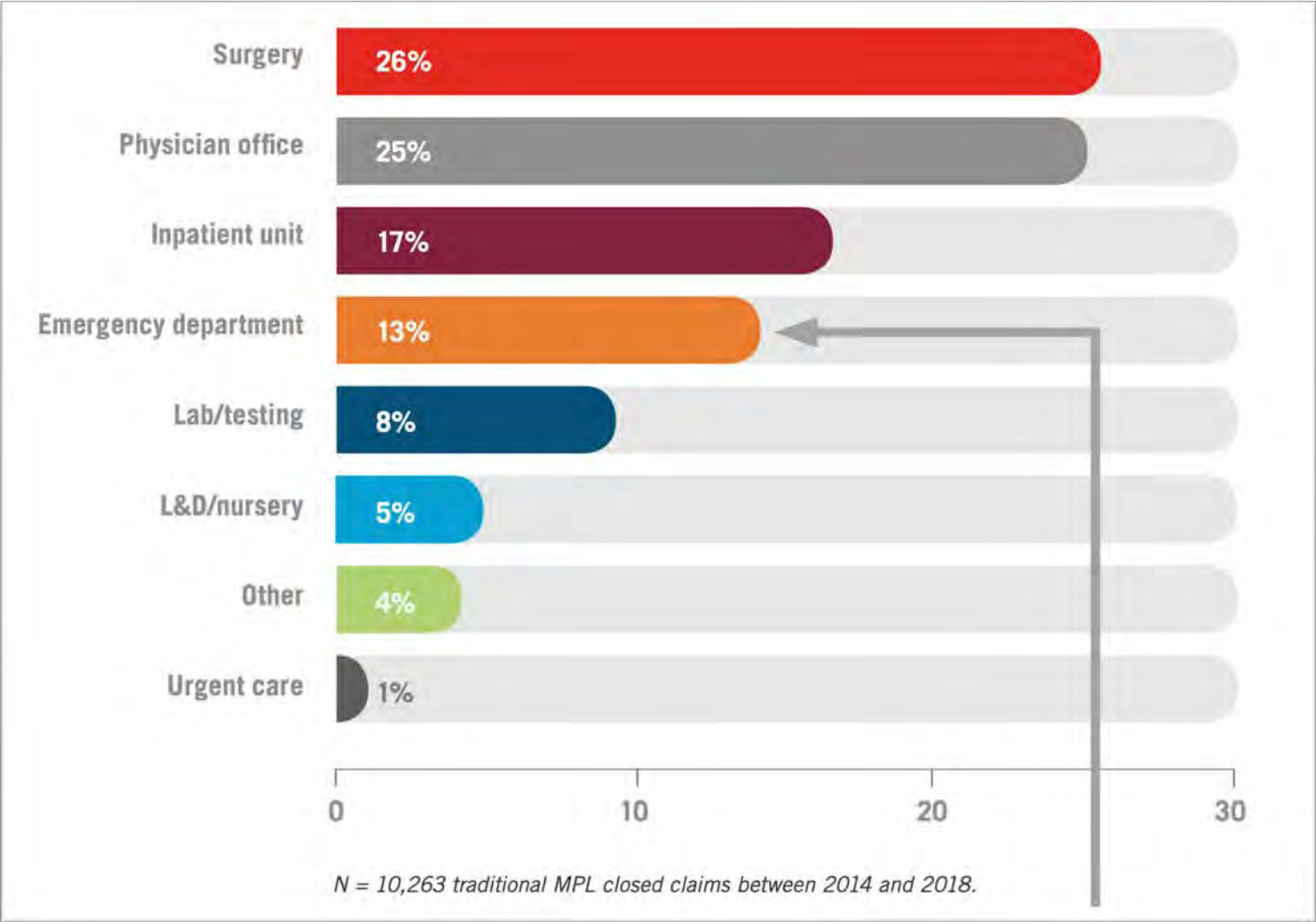
FATIGUE

EFFECT
PANIC
TIRED

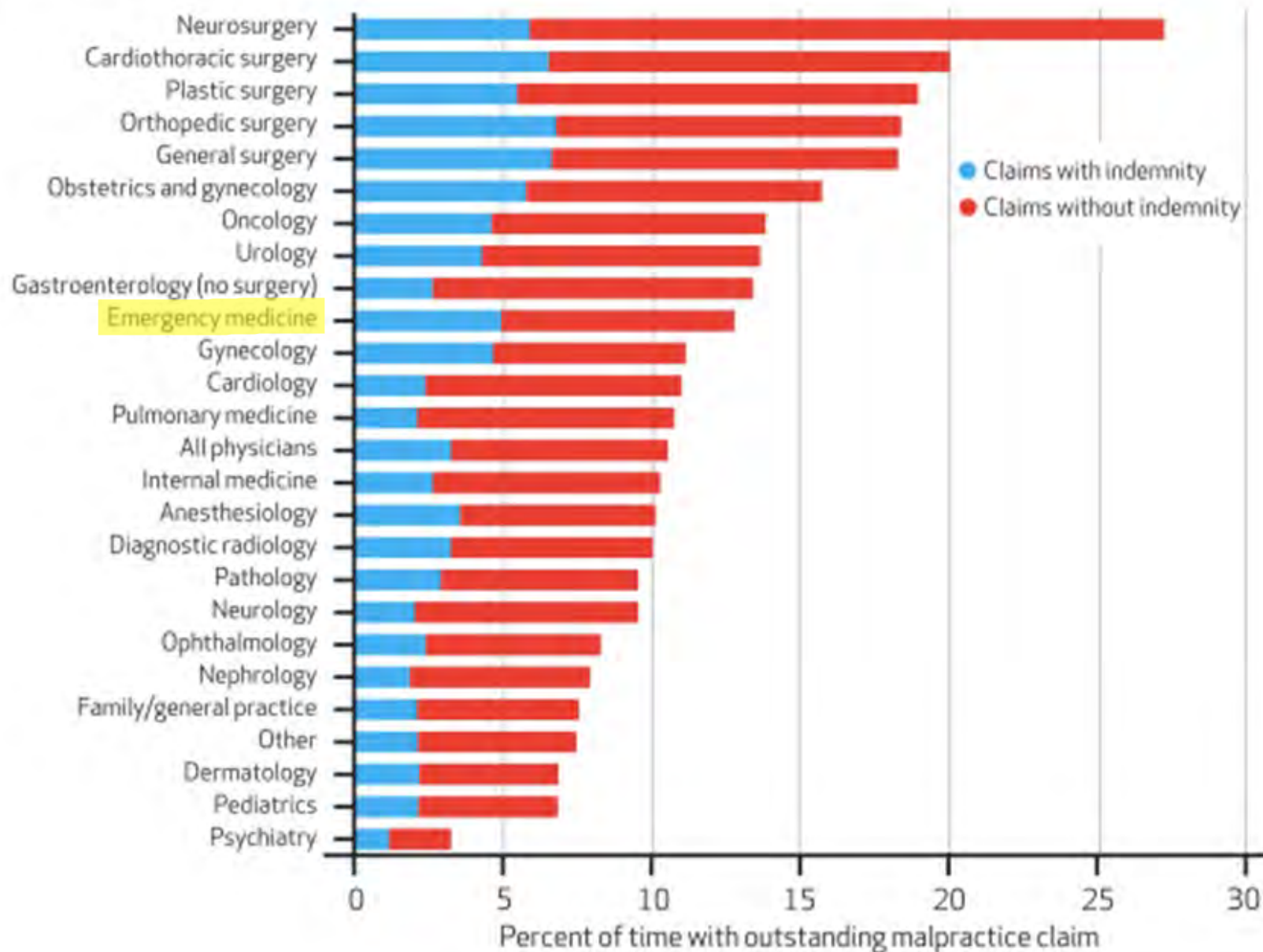
EXHAUSTED

EXPRESSION

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?



A woman with long brown hair, wearing a white lab coat, is looking down at a document she is holding. She is holding a magnifying glass over the document, suggesting she is carefully reviewing it. The background is a blurred hospital room with medical equipment and bright lights.

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 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