Medical–legal risks in Anesthesiology

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Faculty / presenter disclosure

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- Consulting Fees: _______None_________________
- Other: _______None_________________

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The CMPA is a not-for-profit organization that has delivered medical liability protection to physicians since 1901.
Our mission

To protect the professional integrity of physicians and promote safe medical care in Canada
What we do

- Delivering medical liability protection since 1901
- Essential component of the healthcare system
- Enable physicians to practice confidently; better patient care
- Outstanding member satisfaction
- Culture of respect
Defence philosophy

- Medical mutual defence organization
  - Best overall outcome – fair, proportional, balanced
- Defend the defensible
- Compensation to patients
- Ethical and fair medical-legal outcomes
Occurrence based protection

- Estimate for 2015: $738 million in ultimate dollars paid

- Legal
- Expert
- Compensation patients
Compensation to patients

Total Compensation to Patients by Region

<table>
<thead>
<tr>
<th>Year</th>
<th>Québec</th>
<th>Ontario</th>
<th>BC/AB</th>
<th>SMAT</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
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<td>2012</td>
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<td>2014</td>
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<tr>
<td>2015</td>
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</table>
The environment

- Complex healthcare and legal environments
- Evolving physician practices, protections needs
- Significant focus on safety of care
- Constraints on resources
- Medical liability protection more important than ever
2015-2019 Strategic Plan

MISSION
To protect the professional integrity of physicians and promote safe medical care in Canada

CMPA VISION
The CMPA is valued as an essential component of the Canadian healthcare system

STRATEGIC OUTCOME 1
Assisting Physicians

STRATEGIC OBJECTIVES
1. Protect members’ professional integrity
2. Assist physicians in reducing their medical liability risk
3. Provide services that meet membership’s evolving needs

STRATEGIC OUTCOME 2
Contributing to Safe Medical Care

STRATEGIC OBJECTIVES
1. Reduce harm from medical care
2. Advance system level enhancements to healthcare delivery

STRATEGIC OUTCOME 3
Supporting the Medical Liability System

STRATEGIC OBJECTIVES
1. Support an effective medical liability system
2. Retain full funding
3. Exercise sound governance and management

ENTERPRISE FUNCTIONS
Effective governance and management functions

CORE VALUES
Mutuality Discretionary Assistance Ethical Defence Safe Medical Care Service Excellence Responsible Stewardship

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Strategic Outcome 1: Assisting physicians
Strategic Plan 2015-2019

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ENTERPRISE FUNCTIONS
Effective governance and management functions

CORE VALUES
- Mutuality
- Discretionary Assistance
- Ethical Defence
- Safe Medical Care
- Service Excellence
- Responsible Stewardship
Strategic outcome 2: Contributing to safe medical care

<table>
<thead>
<tr>
<th>Physicians in training</th>
<th>Physicians in practice</th>
<th>High Risk specialties</th>
<th>Physician leaders</th>
<th>Member Support Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident symposia GPG</td>
<td>Regional workshops Perspective</td>
<td>Teams in surgical specialties</td>
<td>Workshops for leadership teams</td>
<td>Support for members at risk</td>
</tr>
</tbody>
</table>

**Member and System Engagement**

**Dissemination and Knowledge Translation**

**Data analysis**
Safe Medical Care in 2016

- 30+ active stakeholder initiatives
- 50 external data requests
- 281 educational events (16,426 members attend)
- 5,000+ visits to Good Practices Guide
- 3,600 cases coded
- 101 analytical reports
- 3,900 views of Obstetrical Safety Report
Good Practices Guide
Safe care — reducing medical-legal risk

Human factors
Influences on performance

Overview
The role of human factors is increasingly recognized as an important aspect of individual and team performance in healthcare.
Applying knowledge of human factors helps advance safe care and can reduce medical-legal risk for healthcare providers.

Objectives
After completing this domain you will be able to:
• Define human factors.
• Describe the possible effect of cognitive biases when formulating diagnoses.
• Explain the importance of situational awareness.
• Outline two risks related to using equipment and technology.

Topics and case studies

Defining human factors
Human characteristics and workplaces

Challenge to diagnosing
Patient factors, physician factors and system factors

Cognitive biases
Influences on decision making

Situational awareness
What is going on around you?

Equipment and technology
Using equipment and technology safely

Other workplace factors
Influences on patient care
Medical-legal Cases in Anesthesia 2012-2016

258 cases

- 60% unfavorable medical-legal outcomes
- 44 deaths, 42 severe harm
- 82 medication errors
- Peer experts supportive of care in 39% of cases
Ten year medical-legal risk
Number of cases per 1000 members, CMPA closed cases, 2007-2016

Anesthesiology ranked 27th

- Surgery - Plastic
- Surgery - Orthopaedic
- Obs & Gyn
- Emergency medicine
- Critical/Intensive care medicine
- Family Physician
- Anesthesiology
- Pathologist
- Surgery - Assistance (no other professional work)
- Microbiology - Medical
- Allergy and Clinical Immunology
- Residents
- Administrative medicine - no clinical contact

- Being named
- with responsibility
Case types opened 2011-15

- Hospital: 32%
- College: 26%
- Threat: 20%
- Legal: 19%
- Other: 3%

N = 1,625
Case Types Opened - Comparison

Percent of cases

- College
- Threat
- Hospital
- Legal
- Other

Red: Anesthesiologists (N = 1,625)
Yellow: CMPA (N = 38,576)
## Contributing factors-Performance

152 legal actions closed 2011 - 2015

<table>
<thead>
<tr>
<th>CLINICAL ISSUES</th>
<th>% of patients</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deficient histories / evaluations</td>
<td>23.5</td>
</tr>
<tr>
<td>Failure to perform a procedure</td>
<td>17.6</td>
</tr>
<tr>
<td>Laceration / perforation / injury sustained during procedure</td>
<td>11.8</td>
</tr>
<tr>
<td>Technical performance related to misidentification of anatomical structure</td>
<td>11.8</td>
</tr>
<tr>
<td>Delay in performance of procedure</td>
<td>5.9</td>
</tr>
</tbody>
</table>
Most common complications

- Embolism or arterial thrombosis
- MI or cardiac arrest
- Neuropathy
- Anoxic brain injury
Pharmacotherapy CMPA cases
Anesthesia (82 cases)

- General or local anesthetic – 56
- Analgesic, opioids – 6
- Sedative – 4
- Muscle relaxant – 3
- Corticosteroid - 3
Case type distribution, Anesthesia
CMPA closed cases 2011-2015

(n=295)
Recurrent themes

Clinical decision-making

Communication

Situational awareness

System Issues

Documentation
Story…

- Preparing for a spinal
- Patient received Rocuronium instead of Midazolam
- Managed including general anesthesia
- Surgery uneventful
What contributed?

- Syringes prepared per standard practice
- Mislabeled by anesthetist
- Busy OR, 4 arthroplasties
- Patient 3rd and behind schedule
- No recollections of this task
Full disclosure

Patient and family recounted the anesthesiologist’s apology, perceived as very sincere and they continue to hold him in high esteem
Thank you