KAUFMAN DOLOWICH LLP

Partner Christopher Brown Esq. quoted in: Be Prepared to Secure All Types of Evidence After Adverse Events, in Healthcare Risk Management, 11-2-2023

An adverse event that could lead to litigation or investigations should prompt risk managers to implement a prepared process for securing the related evidence, which can take multiple forms. Properly obtaining and protecting the documents, devices, witness repor digital data, and other evidence may determine the outcome of future litigation…

Protect Patients First

After a medical error or adverse event has been identified, the healthcare facility's risk management team must immediately take action to eliminate any obvious remaining threat to patient safety, such as an impaired provider, faulty equipment, an unsafe system of care, or a deficit protocol, says Christopher E. Brown, JD, partner with Kaufman Dolowich in Orlando. The team should then immediately secure implicated drugs, equipment, and records. Photographs and videos are not recommended, as these are not part of the traditional record and could be used against the facility. All members of the care team should be briefed as soon as possible so they are fully aware of the issues and ensure all subsequent communications with the patient and family are consistent. The risk management team also should designate a single individual who will carry the responsibility for communicating with the patient or family about the event. "All communications with the patient and family should be documented, including location, date and time, participants, conversation details, patient reaction, the level of understanding exhibited by the patient, and the next steps to be taken by the patient and any providers or the facility staff," Brown says.

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