

Reaching resolution after patient horm

JUNE 17, 2021

### Lessons Learned from CRP Cases Gone Wrong

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## Barriers to and Facilitators of Successful CRP Implementation and Application

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#### **Objectives**

- Identify conflicting notions of success and failure regarding CRPs
- Discuss the relationship between incomplete CRP implementation and irregular application of CRPs
- 3. Describe barriers to and facilitators of successful CRP implementation and application

#### Disclosure

#### I have no financial conflict of interest

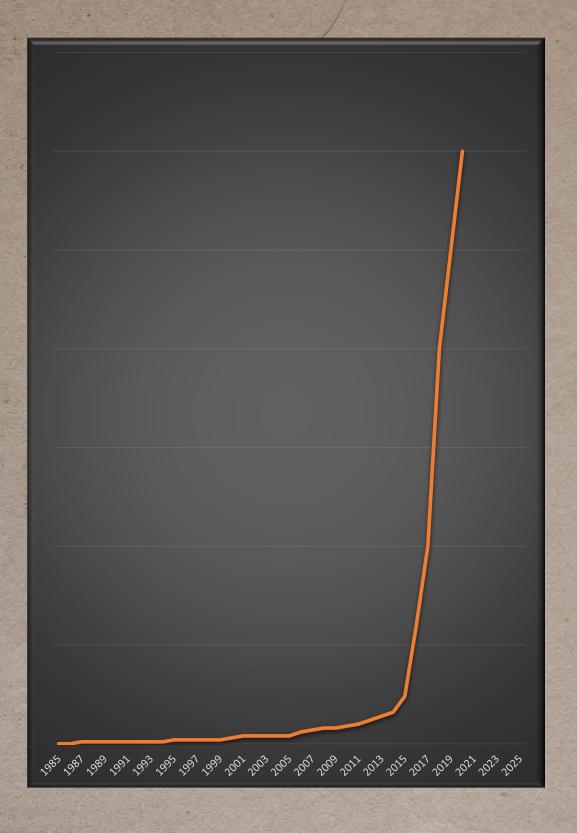
Defining success and failure

CRP implementation

CRP application

Learning from successes

#### CRP S-curve?





#### **Implementation**

Application



**OUTCOME** 

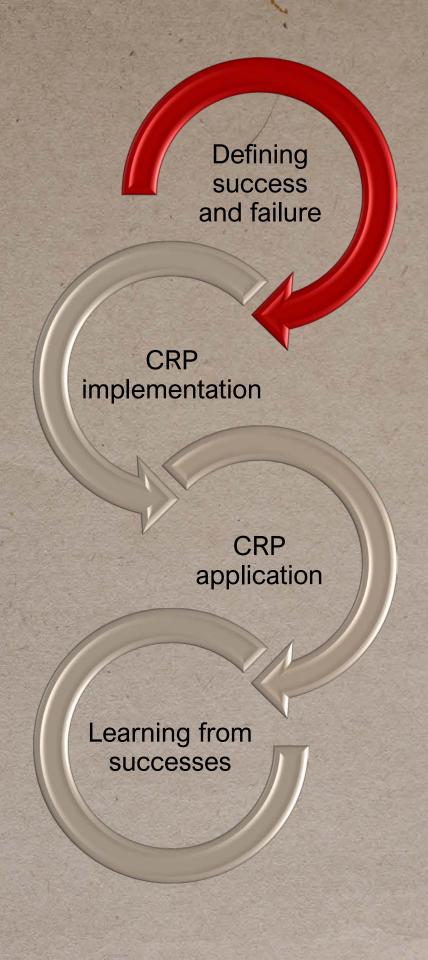




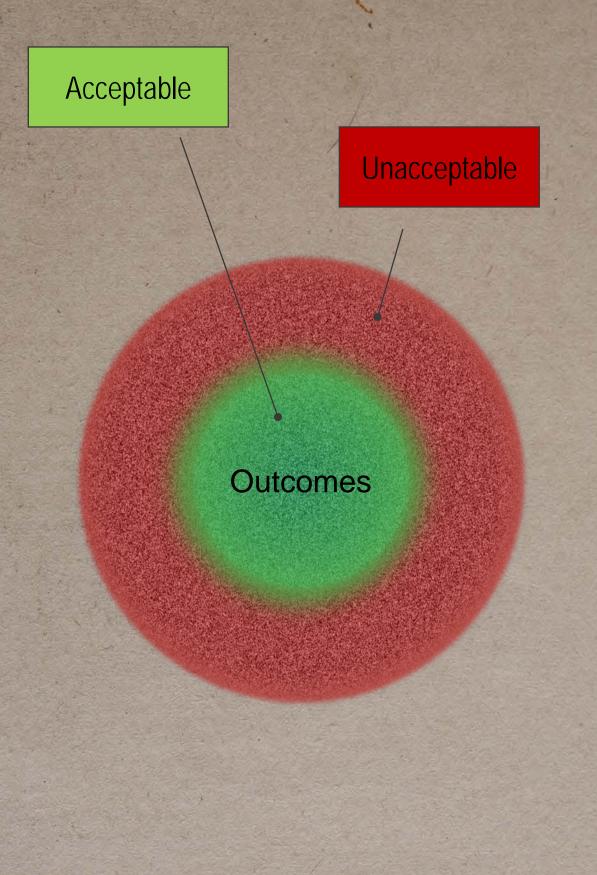


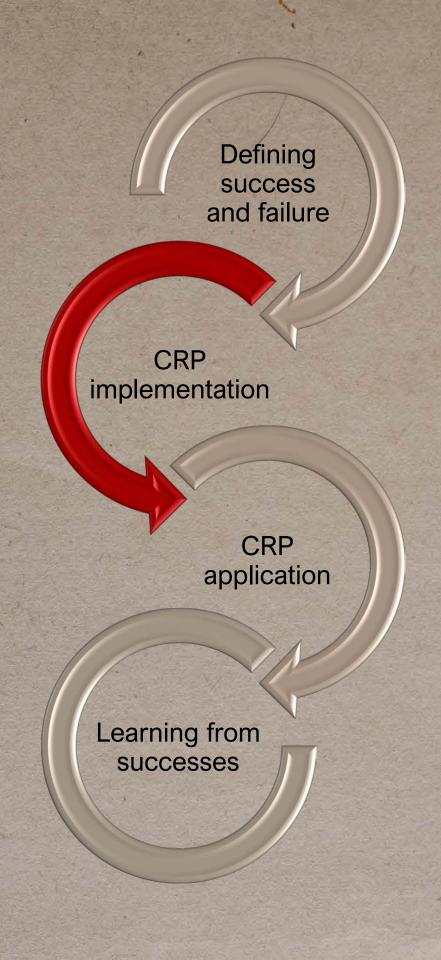
#### **Implementation**

Application



Outcomes





#### Principle-related failure modes

- Punitive or unprofessional organizational culture
- Failure to appreciate the comprehensive nature of CRP
  - Belief that CRP is a risk management program
  - Taking the position that the organization is "already doing this" (premature self-congratulations)
- Disconnect from guiding principles
  - Withholding proactive offers of compensation if patients seem satisfied with an apology or if costly litigation or damages seems unlikely
  - Paying some patients for a disappointing clinical outcome even when there was no negligence

#### Prioritization-related failure modes

- Insufficient sense of organizational ownership
  - Lack of visible support by executive and medical staff leadership
  - Lack of board engagement
- Competing organizational priorities/major disruptions

#### Practicality-related failure modes

- Insufficient personnel
- Absence of planned response
- Turnover/loss of key individuals or champions
- Active or passive opposition by a formal or informal leaders
- Lack of awareness of CRP among clinicians
- Lack of buy-in by practicing physicians when consent to settle is required
- Philosophical differences among insurers
- Financially stressed health systems may have a lower risk tolerance

Defining success and failure CRP implementation CRP application Learning from successes

#### **Implementation**

Application

#### Method:

#### Failure modes and effects analysis (FMEA)

#### Threats

Untimely notification to risk manager / org. representative

Delayed recognition of need to respond

Premature determination that care was appropriate

Premature determination that harm is below min. threshold

Competing demands upon RM / org. representative

RM / org. rep. unaware of what action to take

#### Consequences

Compounded harm due to failure to acknowledge, apologize, explain, etc.

Delayed, impeded investigation

Lost opportunity to engage patient/family before discharge or transfer

> Untimely or missed emotional first aid for traumatized personnel

Failure of activation/ initial management

Threats Consequences Incomplete or factually Delayed start inaccurate disclosure Inadequate resources Limited learning **Ponderous** Inadequate RCA process investigation or Insufficient skill analysis No proactive offer of compensation Failure to interview key witnesses Unfair blame Disengaged (or impunity) medical staff

# WHAT HAPPENS NEXT? WHAT HAPPENS NEXT?

#### Threats Consequences Untimely initial communication Compounded harm Communications perceived as lacking empathy Incorrect information shared Lost opportunity to keep Failure of that cannot be retracted patient/family engaged with communication Promises of transparency do organization's CRP not meet patient expectations Poor coordination among Unnecessary litigation organizational representatives or administrative complaints, or both with handoff to Claims

#### Threats

Failure to determine whether inappropriate care caused harm

No proactive offer because patient seems satisfied

Difficulty calculating fair compensation

Physician withholds consent to settle

Disagreements of principle among other potential defendants

#### Consequences

Patient / family suffer uncompensated injury

Unnecessary, wasteful, and distressing litigation or administrative complaints, or both

Moral residue for involved clinicians and personnel

Patient / family suffer unresolved trauma

Failure to pursue early resolution

#### Aggregate RCA



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#### Discussion



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