

Risk managers, physicians, and disclosure of harmful medical errors.

March 21, 2017

Loren DJ, Garbutt J, Dunagan C, et al. Risk managers, physicians, and disclosure of harmful medical errors. *Jt Comm J Qual Patient Saf.* 2010;36(3):101-8.

<https://psnet.ahrq.gov/issue/risk-managers-physicians-and-disclosure-harmful-medical-errors>

Patients desire and deserve [disclosure](#) of any errors that occur in their care, but fear of malpractice lawsuits is one of many factors that contribute to clinicians failing to disclose errors in a timely and transparent fashion. This survey compared how risk management professionals and physicians responded to simulated error scenarios. The researchers found that while risk managers were more likely to recommend [full disclosure](#) of both serious and less serious errors, physicians were more likely to offer an apology to the patient. Apologies may in fact be used as evidence in a malpractice lawsuit under certain circumstances—a 2008 [review](#) of "apology laws" found that while "expressions of sympathy" are generally protected from use as evidence, "admissions of fault" are admissible, even when such admissions include an apology. This fact may have influenced the risk managers' advice against apologizing. The tense relationship between error disclosure and malpractice liability is discussed in a [PSNet perspective](#).