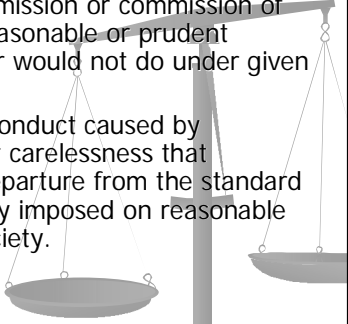


WHAT DOES DEFENSIBLE CARE LOOK LIKE?



WHAT IS NEGLIGENCE?

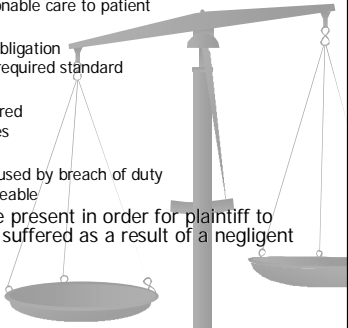
- Unintentional omission or commission of an act that a reasonable or prudent person would or would not do under given circumstances.
- It is a form of conduct caused by heedlessness or carelessness that constitutes a departure from the standard of care generally imposed on reasonable members of society.



4 ELEMENTS OF NEGLIGENCE

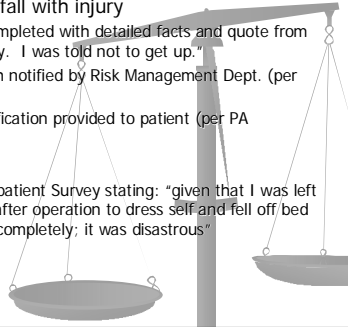
- Duty to Care
 - An obligation of reasonable care to patient
- Breach of Duty
 - Failure to adhere to obligation
 - Failure to conform to required standard
- Injury
 - Actual damages required
 - No Injury, no damages
- Causation
 - Injury proximately caused by breach of duty
 - Injury must be foreseeable

*All 4 elements must be present in order for plaintiff to recover for damages suffered as a result of a negligent act.



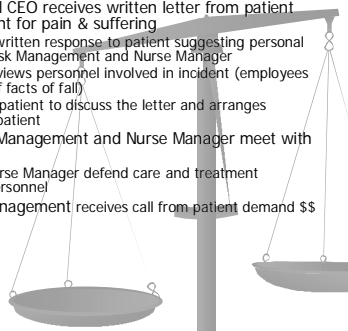
FACTS

- July, 200X – Patient fall with injury
 - Event Report was completed with detailed facts and quote from patient “I am so sorry. I was told not to get up.”
 - Department of Health notified by Risk Management Dept. (per PA regulation)
 - Written letter of notification provided to patient (per PA regulation)
- August, 200X
 - Patient completes Inpatient Survey stating: “given that I was left unattended the day after operation to dress self and fell off bed and opened incision completely; it was disastrous”



FACTS (Continued)

- October, 200X – Hospital CEO receives written letter from patient requesting reimbursement for pain & suffering
 - Hospital CEO provides written response to patient suggesting personal meeting between VP Risk Management and Nurse Manager
 - Risk Management interviews personnel involved in incident (employees with most knowledge of facts of fall)
 - Risk Management calls patient to discuss the letter and arranges personal meeting with patient
- November, 200X – Risk Management and Nurse Manager meet with patient to discuss facts
 - Risk Management & Nurse Manager defend care and treatment rendered by hospital personnel
- January, 200Y – Risk Management receives call from patient demand \$\$ settlement; request denied



WHY WAS CARE DEFENSIBLE

- Medical record documentation was STRONG and painted a picture of everything that took place well written, thorough, included quotes
- Personnel were strong
 - credible, consistent in their education to patient, confident, neat personal appearance, prepared to stand behind their care & treatment, helpful reliance on a “consistent script” of education
- Signage offered additional warning to patient
- Protocol/Standard of Care was followed by hospital staff before and after fall
- Patient status was alert and oriented

