

Disclosure of Unanticipated Outcomes

Unanticipated outcomes¹ that occur in the healthcare system can cause physical and psychological harm to patients, their families, and healthcare providers and staff. However, disclosure of unanticipated outcomes — when properly performed — can lessen the negative consequences.

Addressing these outcomes with honesty and transparency is not only part of a well-defined disclosure process, but also an integral step in providing patient-centered care. To prepare for the disclosure process, healthcare organizations should develop clear policies/protocols and train their providers and staff accordingly. This checklist can help healthcare organizations assess various aspects of their disclosure policies and identify improvement opportunities.

	Yes	No
Does your healthcare organization have a written disclosure policy that complies with state laws and professional guidance related to the disclosure process?	<input type="checkbox"/>	<input type="checkbox"/>
Does your healthcare organization support a culture of safety and transparency in which: <ul style="list-style-type: none"> • Providers and staff are encouraged to report unanticipated outcomes? • Unanticipated outcomes are viewed as learning opportunities? 	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Do healthcare providers and staff receive training on your healthcare organization's disclosure policy and process?	<input type="checkbox"/>	<input type="checkbox"/>
Does your healthcare organization consider conducting role-playing or simulation exercises to offer healthcare providers and staff hands-on disclosure training?	<input type="checkbox"/>	<input type="checkbox"/>

¹ For the purposes of this publication, unanticipated outcomes refer to (a) outcomes of care that differ significantly from anticipated outcomes, (b) medical errors caused by deviations in the standard of care, and (c) patient harm that results from medical mismanagement or system failures.

	Yes	No
Are healthcare providers and staff educated about the difference between an apology and an admission of liability?	<input type="checkbox"/>	<input type="checkbox"/>
Has your healthcare organization established a threshold for situations requiring disclosure?	<input type="checkbox"/>	<input type="checkbox"/>
Does your healthcare organization gather information about the unanticipated outcome from providers and staff who were involved and from a formal investigation of the event?	<input type="checkbox"/>	<input type="checkbox"/>
Do healthcare providers offer an empathetic acknowledgment to the patient/family as soon as possible after an unanticipated outcome?	<input type="checkbox"/>	<input type="checkbox"/>
Does your healthcare organization hold predislosure preparation meetings for providers and staff members who will participate in the disclosure process?	<input type="checkbox"/>	<input type="checkbox"/>
Are disclosure meetings with patients/families scheduled as soon as practical following unanticipated outcomes?	<input type="checkbox"/>	<input type="checkbox"/>
Does your healthcare organization notify its professional liability carrier about disclosure meetings?	<input type="checkbox"/>	<input type="checkbox"/>
Does your healthcare organization determine in advance of a disclosure meeting who will participate on behalf of the organization and the patient?	<input type="checkbox"/>	<input type="checkbox"/>
Is an appropriate individual assigned to lead the disclosure meeting?	<input type="checkbox"/>	<input type="checkbox"/>
Is the disclosure meeting held in a private and secure area?	<input type="checkbox"/>	<input type="checkbox"/>
Is your healthcare organization's risk management staff involved in the initial disclosure conversation and subsequent patient follow-up?	<input type="checkbox"/>	<input type="checkbox"/>
Do all healthcare employees involved agree on an agenda and the information that will be discussed before the disclosure meeting?	<input type="checkbox"/>	<input type="checkbox"/>
Does the disclosure meeting involve clearly communicating the facts as they are known at the time of the disclosure, including: <ul style="list-style-type: none"> • The nature of the event? • The time, place, and circumstances (if known)? 	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

	Yes	No
<ul style="list-style-type: none"> • The proximal cause, if known? (If unknown, it is okay to say so — don't guess or assume.) • The known consequences and actions that have been taken to address the consequences? • The management of the patient's ongoing care? • The implications for short- and long-term progress? 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Does the disclosure meeting involve explaining the plan of action relative to either continued investigation or process changes that might help prevent similar outcomes?	<input type="checkbox"/>	<input type="checkbox"/>
During the disclosure meeting, are the patient/family given an opportunity to ask questions and clarify information?	<input type="checkbox"/>	<input type="checkbox"/>
Are the patients/family provided with an organizational contact who will provide follow-up information as it becomes available?	<input type="checkbox"/>	<input type="checkbox"/>
Are additional counseling services offered to the patient/family, and are they given the names of agencies that they can contact to address their concerns or complaints?	<input type="checkbox"/>	<input type="checkbox"/>
Has the disclosure leader established a date and time for follow-up communication as more information becomes available based on developments from investigating the event, changes in the patient's condition, or modifications to the treatment plan?	<input type="checkbox"/>	<input type="checkbox"/>
Does the disclosure leader or another appropriate team member document who attended the disclosure meeting and the content of the disclosure in the patient's health record?	<input type="checkbox"/>	<input type="checkbox"/>
<p>Are these specific items related to disclosure documented in the health record:</p> <ul style="list-style-type: none"> • Time, date, and place that the conversation occurs? • The information that is communicated to the patient/family? • The patient's/family's understanding, any questions they ask or information they want clarified, and any responses provided to questions? • Names of those present for the disclosure conversation, and who is responsible for follow-up communication with the patient/family? 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

	Yes	No
<ul style="list-style-type: none"> • Next steps for patient treatment, care, and communication? • A notation that disclosure was based on information available at the time of the conversation with the patient/family? 	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization conduct a debriefing session with the disclosure team to determine support needs and to review the disclosure process?	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization offer a second victim support program for healthcare providers and staff members who are involved in unanticipated outcomes?	<input type="checkbox"/>	<input type="checkbox"/>
Has your organization developed written policies and procedures for second victim support and resources, and have organizational leaders, providers, and staff been educated about them?	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization's second victim support program include rapid response provisions?	<input type="checkbox"/>	<input type="checkbox"/>

Resources

For more details on disclosure — including information about training for disclosure, the process of disclosure, disclosure documentation, and second victim support — see MedPro's guideline on [Disclosure of Unanticipated Outcomes](#) and [Risk Resources: Disclosure of Unanticipated Outcomes](#).

This document does not constitute legal or medical advice and should not be construed as rules or establishing a standard of care. Because the facts applicable to your situation may vary, or the laws applicable in your jurisdiction may differ, please contact your attorney or other professional advisors if you have any questions related to your legal or medical obligations or rights, state or federal laws, contract interpretation, or other legal questions.

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