

Virtual Mentor

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CASE AND COMMENTARY

Disclosing the Truth about Medical Error

Commentary by Audiey Kao, MD, PhD

Both ethics and law address norms that govern physicians' behavior.

Many view the law as a baseline for articulating the limits placed on individuals living within society as well as an enabling device to facilitate social relationships. Encompassing as the law may be in some areas of human conduct, in many others it is silent. In the absence of legal norms or prohibitions, physicians often find guidance in the standards arrived at through ethical reasoning. To guide students through the process of ethical reasoning and to acquaint them with case law, a new case study will appear every 2 to 4 weeks. Students will be given legal and/or ethical opinions to assist their decision-making.

Questions for Discussion

1. Does a physician's duty to disclose a medical mistake depend on the severity of complications incurred by the patient? [1-3]
2. What types of support mechanisms would be helpful for medical students and physicians-in-training to assist them to better deal with disclosing mistakes to their patients? [4,5]

See what the AMA *Code of Medical Ethics* says about this topic in Opinion 8.12 Patient information. American Medical Association. *Code of Medical Ethics 1998-1999. Edition*. Chicago, IL: American Medical Association; 1998.

References

1. National Patient Safety Foundation at the AMA. Accessed November 12, 1999.
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3. Pilpel D, Schor R, Benbassat J. Barriers to acceptance of medical error: the case for a teaching program (695). *Med Educ*. 1998;32(1):3-7.
4. Witman AB, Park DM, Hardin SB. How do patients want physicians to handle mistakes? a survey of internal medicine patients in an academic setting. *Arch Intern Med*. 1996;156(22):2565-2569.
5. Doyal L, Hurwitz B. The morality of medical mistakes: doctors' obligations and patients' expectations. *Practitioner*. 1987;231(1428):615-620.

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