

Medical News

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Am I Getting Fired? How to Handle Meetings with Your Facility's Attorney



BY MEGAN NELSON, ESQ.

You just got off the phone with your hospital's risk manager, who has asked you to speak with the hospital's attorney about a patient you cared for.

Multiple questions go through your mind, and the top two are: "Am I going to get fired?" and "Am I going to lose my license?" These are common fears and most of the time the answer to both of these questions is no. Being informed about next steps can help health care professionals put their minds at ease.

Why am I being singled out and asked to speak with the hospital's attorney?

The simple answer is you are not being singled out. A patient, or the family of a patient, is suing the hospital, and your name appears in the patient's chart. You are not the only person that will speak with the hospital's attorney.

In Florida, before a medical malpractice lawsuit is filed with the courts, a pre-suit investigation must take place. In this instance, the hospital has 90 days to investigate the claim. The hospital's attorney will review the patient's medical record and develop a timeline of the events surrounding the claim of negligence. During the medical record review, certain health care providers will be identified to speak with the hospital's attorney. These may include doctors, nurses, nurse practitioners, physician assistants, respiratory therapists, surgical technologists, physical/occupational/speech therapists, and certified nursing assistants. However, the request to speak with the attorney does not mean you did something wrong. Whether you took care of the patient for one minute or ten days, you are essential to the investigation. That is why the hospital's attorney wants to speak with you.

Health care providers are taught to chart by exception. In some instances, notes discussing conversations you had with your patient or the patient's family are not included with the chart. Additionally, discussions during shift changes, rounds, and care conferences are often not documented. Reading a patient's medical record does not provide the full story of the patient. The hospital's attorney wants to know what you remember, if anything, about



the patient related to the care you provided, the patient's demeanor, or even the family dynamics.

Why the big secret? Why didn't the risk manager tell me the name of the patient?

The worry with revealing patient information before the meeting is that providers will often speak with others to try and prepare ahead of time. It's not that the hospital's attorney wants you to feel unprepared. They want to know what you remember, not what your coworker remembers or what you learned from the medical record.

How do you prepare for the meeting? What will happen during the meeting?

There is nothing to be prepared; the hospital's attorney will have excerpts of the medical record where your name appears printed out and ready for your review.

After introductions, the attorney will give you a brief description of the patient, name, age, diagnosis, and dates you provided care. Don't panic, just breathe and answer the questions to the best of your ability. Remember, the hospital's attorney is not just there to protect the hospital, but to protect you as well.

Throughout the process, try your best not to get defensive or upset. You may be thinking that you did everything for that patient, catered to every

need, and answered every question. You may have even helped save the patient's life. It's understandable to feel hurt or defensive when the care you provided is now being questioned. Although you might feel that way, remain calm and tell the hospital's attorney everything you remember.

Next, you will be given the printed medical record and the hospital's attorney will guide you through your charting. This is often a point of frustration. The printed medical record does not look like the electronic medical record, nothing is in order, and it is not easy to navigate. The hospital's attorney knows this and will walk you through the medical record and ask questions about your charting. You may also be asked questions related to your normal routine when caring for a patient. For instance, what you do when you first get into the unit, how is shift change performed, or how do you handle review of orders and lab results?

Finally, you will be asked to not discuss with your coworkers what was said during the meeting, to maintain the integrity of the process. Remember, your answers will help the hospital's attorney evaluate the negligence claim and determine how to defend the case. The calmer and more forthcoming you are with your answers, the quicker the meeting will go and the friendlier the environment.

Megan Nelson, Esq., R.N. is a member of the Health Care Department in the Orlando office of Marshall Dennehey Warner Coleman & Goggin, where she devotes her practice to the defense of medical malpractice and negligence claims. In addition to being an attorney, she is a Registered Nurse. She may be reached at mjnelson@mdwccg.com.