

Best practices for CARE facilities regarding patient representation

COMMUNICATION, APOLOGY AND RESOLUTION (CARE)

These steps should be followed to ensure appropriate patient representation during conversations regarding resolution and compensation in the CARE process. Resolution may extend beyond financial concerns; it may include policy changes and education at the health care facility to prevent future adverse events, or an explanation and apology from providers. A conversation with the patient, their family members and attorney should be held to determine the desired resolution.

- 1. Health care facilities should encourage patients and families to seek legal representation.** It is in the facility's best interest to ensure that patients and families are represented fairly in order to build trust, maintain the institutional reputation of offering fair compensation, and preserve the credibility of the CARE program. The provider should take proactive steps to carefully explain why appropriate representation is necessary.
- 2. Patients and families should be represented by an attorney experienced in medical malpractice litigation and educated about the CARE program.** It is important for a qualified attorney to assist the patient and their family in navigating the settlement and ensuring that the compensation offered is fair.
- 3. Health care facilities should provide patients and families with a list of local qualified attorneys to further encourage and assist them in retaining legal representation.** The Betsy Lehman Center keeps a [list of attorneys](#) in Massachusetts who have committed to follow a set of best practices and have attended an educational session about CARE. Providers should make it clear that they are free to choose any attorney, on or off the list. Patients and families may not have the knowledge or expertise to obtain qualified legal representation on their own, or they may be overwhelmed due to the recent trauma they have experienced.

It is important for health care facilities to note that, beyond addressing medical needs, emotional support is also essential for patients and families after an adverse medical event. Providers and/or patient safety staff should connect patients and their loved ones with a social worker, patient relations staff, or someone with a similar skill set who can offer help. Health care facilities are also encouraged to use the Betsy Lehman Center's [Patient and Family Peer Support Network](#) as a resource. This is the first step to ensuring successful communication, apology and resolution with the patient and their family, and will also help reduce barriers to obtaining appropriate representation.