

MEDICOLEGAL

The majorities of medical malpractice claims are frivolous and, therefore, can be avoided by establishing a sound physician-patient relationship. Such lawsuits are frequently the product of patient surprise and anger, or of the failure of hospital personnel to communicate effectively among themselves. A physician's best defense is to act medically, not legally. In general, a physician who acts as another medical practitioner similarly situated would have acted will be able to defend a malpractice action successfully.

Documentation of the adequacy of care a patient has received during his hospitalization has a significant impact on whether the care rendered is defensible. A meticulous and objective record can offer substantial proof that a physician has acted in accordance with standards of accepted medical practice. Use of the medical record progress notes to suggest another physician was somehow at fault, however, is inappropriate. The ideal record is one which can be used in the treatment of a patient by any physician who becomes involved in his care without compromising the patient's health by failing to provide sufficient information. The medical record also should indicate whether the patient's informed consent for treatment was obtained. If informed consent is lacking, the patient's chart should include an explanation of any medical or other reasons for this omission. Effective communication among all medical personnel involved in a patient's care is an integral part of providing quality health care. Information to ensure continuous safe treatment and to prevent decisions or actions that can be harmful to the patient should be transmitted among the attending physicians, residents and nurses. There is also a need to identify a physician to be responsible for a patient who may have several medical problems and is being treated by more than one department in order to prevent the patient from "falling through the cracks." Furthermore, open communication between the physician and the patient minimizes the possibility of surprise or anger occurring as the result of the manner in which a patient's particular treatment was handled.

Since legal responsibility for a patient's care rests with the attending physician, a resident should act pursuant to that physician's instructions and maintain close contact with the attending in the management of the patient's case. The Medical Staff By-Laws state that the purpose of the Maine Medical Center is "to ensure that all patients treated at the Hospital receive the best possible medical care." The aforementioned concerns facilitate this objective and, thus, should be implemented accordingly.