

The Interim: Between the Event and the Lawsuit

**The following copyrighted excerpts represent recommendations based on
Chapter 5 from *Adverse Events, Stress, and Litigation: A Physician's Guide*
by Sara Charles, MD, and Paul R. Frisch, JD**

This excerpt is provided on the Physician Litigation Stress Resource Center website at <http://physicianlitigationstress.org/> with permission from Sara Charles, MD, and Paul R. Frisch. JD (2005). *Adverse Events, Stress, and Litigation: A Physician's Guide*. New York. NY: Oxford University Press.

defense team, handle our emotions when confronted by the plaintiff's bar, and, finally, relate well with members of any potential jury are all significant challenges of the litigation experience. Good in themselves, our efforts to develop comfortable relationships with others are a great help in anticipating and dealing with these realities.

Recommendations for Putting Together the Pieces

INQUIRE ABOUT THE STATUTE OF LIMITATIONS RELATED TO THE INCIDENT. The risk manager or claims representative can readily supply this information.

REVIEW OUR INSURANCE COVERAGE. This knowledge helps us in two ways—by allaying anxiety and by identifying issues that need to be addressed immediately. Claims personnel can assist us greatly during this period of waiting.

REEXAMINE OUR FINANCIAL HEALTH. If physicians have planned well, they find, after an adverse event, that they need only review the protections they have raised against any threat to their financial security and their personal assets.

RECOGNIZE THAT BEING INVOLVED IN AN ADVERSE EVENT COMPLICATES THE STRESS WE ORDINARILY FEEL IN OUR WORK. Our ability to observe ourselves is critical in recognizing and managing our reactions more comfortably.

IDENTIFY CONTROLLABLE STRESSORS. The goal is to balance sufficient control with healthy flexibility and our ability to respond to the unexpected events inherent in medical practice. As in the self-help paradigm, the beginning of wisdom lies in knowing what can and cannot be controlled.

WORK TO LIVE A BALANCED LIFE. This interim period offers us a unique opportunity to take a good look at ourselves and to initiate constructive changes in our behavior and goals.

REFOCUS ON OR DEVELOP THE HABIT OF SELF-OBSERVATION. Even a moderately well developed ability to observe ourselves in action and to monitor changes in our feelings facilitates our regaining control and achieving emotional balance.

HONESTY IS THE BEST POLICY. Physicians experience many challenges to their sense of self during this period. The simple proverbial honesty in approaching the investigations and identifying their own reactions proves its value in the sharpened effectiveness of their responses.

PAY ATTENTION TO ANY SIGNIFICANT CHANGES IN OUR PHYSICAL OR EMOTIONAL HEALTH. If we do not have a personal physician, this interval is an ideal time in which to choose one and to cooperate fully with this physician's recommendations. Attending promptly to any changes we observe in ourselves diminishes our risk for medicating ourselves or engaging in other destructive behaviors. The more resolutely we take control of our own health, the more gracefully and artfully we reclaim our physical well-being and mastery over our work environment.

ATTEND TO THOSE PERSONAL VULNERABILITIES THAT MAY BE EXACERBATED BY INCREASED STRESS. Once we recognize and admit these vulnerabilities, we can take the steps necessary to lessen their impact on us.

IF REQUESTS FOR INFORMATION ARE RECEIVED ABOUT THE ADVERSE EVENT, BE ATTENTIVE AND WARY AND, IF IN DOUBT, SEEK CONSULTATION. Because the period between an adverse event and the termination of the statute of limitations can be lengthy, if we are up for recredentialing or for the renewal of our license or insurance, we will receive inquiries about our current professional status. We should read and answer the questions carefully. Although honesty has no peer, it never demands that we say anything beyond the minimum required. If we have no knowledge of a pending claim (a demand for money or services), we should not provide unnecessary information. If, on the other hand, we have had a serious or catastrophic event that may lead to legal action, we should bring this to the attention of the appropriate forum. Managed care entities (such as health insurers and independent practice associations) may also inquire about adverse events. Unless our agreement requires it, we are under no obligation to reveal to them incidents that have not matured into legal cases.