

Everyone makes mistakes, but when a mistake results in the death of a newborn baby, an apology may not be enough. In Philadelphia, a young couple filed suit against a local area hospital for just that, the death of their newborn. Shortly after being born severely premature, the child died in a neonatal care unit. The child's path of recovery was risky from the beginning, but the death was nevertheless preventable.

In a conversation with medical staff, the parents were informed that the child died due to a mistake. The child was being fed intravenously. The catheter feeding the child should have stopped where the child's vein reached the heart, but was inserted a few millimeters too far, causing fluid to seep through the wall around the heart, resulting in the child's death.

The hospital called a conference disclosing everything that happened and expressing sorrow for the child's death. The disclosure and the apology were not enough for the parents. The couple filed suit against the hospital, citing the meeting as evidence of medical malpractice. The hospital objected, arguing that the conversation was confidential by law. The parties ultimately settled the dispute.

Apologies and Medical Malpractice

Studies show that apologies may reduce medical malpractice claims and accelerate settlement. However, many doctors still choose to be cautious, avoiding any expression of sorrow, fearing that it will be considered an admission of guilt. In an attempt to alleviate that fear, a number of states have implemented "apology laws," in which such communications cannot be considered an admission of guilt in court. A similar law is currently being debated by the Pennsylvania legislature.

The belief behind the "apology laws" is that malpractice suits are driven as much by emotion as they are by money. Addressing the emotional needs of patients can reduce feelings of frustration and unrest, thereby reducing the likelihood of a malpractice suit.

Proponents of the laws argue that they encourage doctors to disclose medical errors, which may reduce medical errors overall. Opponents, however, argue that protecting such statements may make it more difficult for legitimate claims to succeed, as the statements can be an important source of evidence in a malpractice claim.

An Attorney Can Help

Health care provider negligence can cause unjustifiable and irreversible harm to trusting patients, apology or not. Therefore, it is important to seek legal representation to ensure that the responsible parties are held accountable. If you suspect that a loved one was injured or killed due to the negligence of a health care provider, speak with a medical malpractice attorney. An experienced attorney can examine your situation and help you determine if you have a viable case.

