



How to prevent escalation of medical complaints into legal claims?

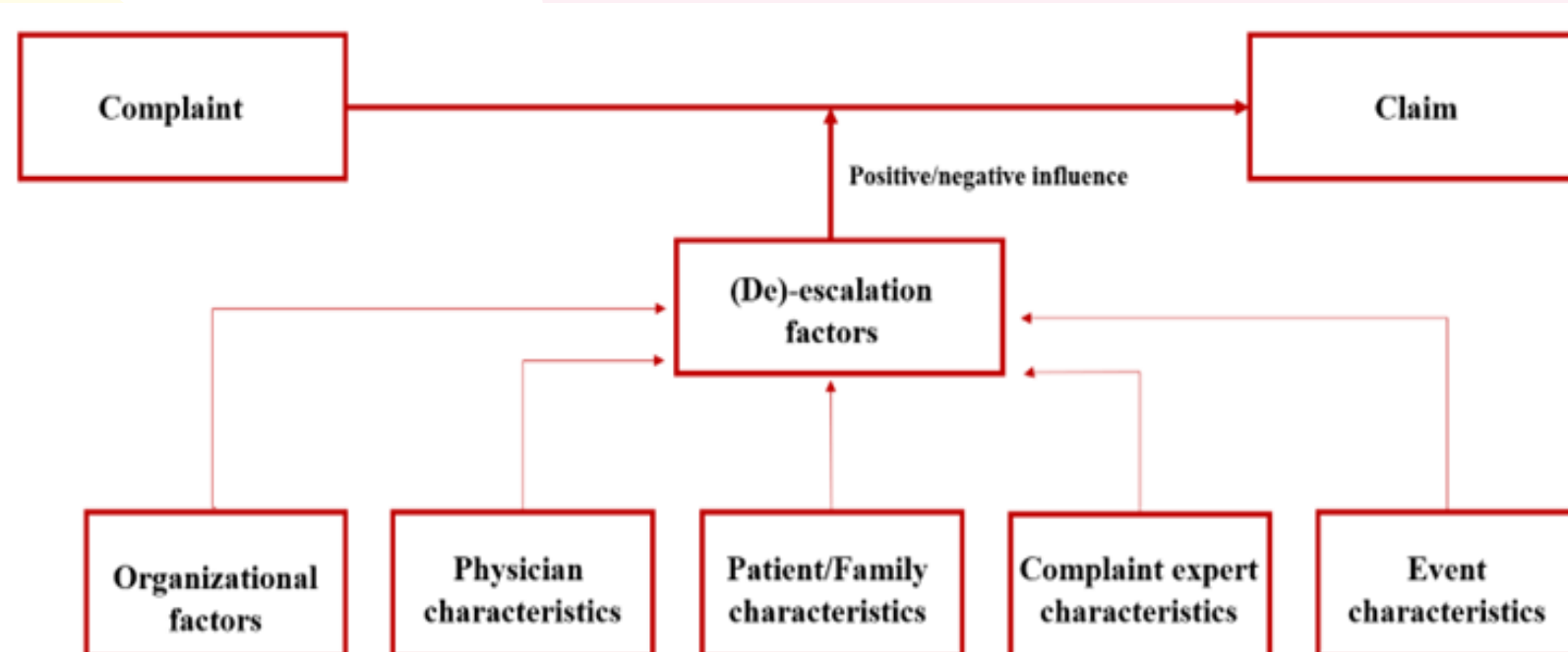
Introduction

Which factors contribute to the escalation of medical complaints into legal claims, and how can this escalation be prevented?

Despite highly trained professionals, advanced technology and the best intentions, things sometimes go wrong in healthcare, resulting in dissatisfied patients or family members complaining to the hospital. In many hospitals, these complaints are handled by complaint experts who are able to restore trust and satisfaction. In a growing number of cases, however, medical complaints escalate into legal claims. Such escalation has a significant negative impact on involved parties. Lawsuits are often complex, lengthy and costly. Hospitals may experience a loss of reputation. Claims and lawsuits negatively impact healthcare professionals' mental and physical well-being. They may also have an impact on the quality of care when -due to fear of complaints and claims- medical professionals treat patients differently to reduce the likelihood of receiving a complaint ('defensive medicine'). Lastly -and most importantly- the patient and family suffer when their involvement in a lawsuit worsens their emotional distress. It is therefore in the best interest of all stakeholders to try to avoid the escalation of complaints into claims.

Methods

Literature study found 6 factors potentially influencing escalation. After that, qualitative, deductive, practice-oriented research was conducted, involving semi-structured interviews with 26 complaint-handling experts working in different Dutch hospitals.



Results

Overview factors contributing to prevention or de-escalation of claims

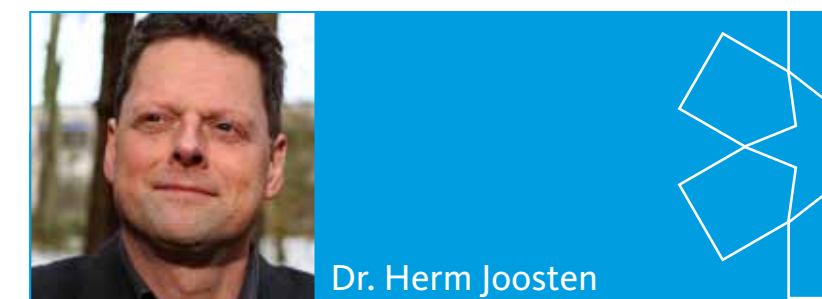
Factors that contribute to prevention or de-escalation of claims		
Communicate transparently and directly	Empathize, guide, involve, and enlist	Build trust
Provide information and disclose before medical treatment and after service failure	Listen actively	Make sure patients feel heard and taken seriously
Be aware and pay attention to warning signs of escalation	Involve family early on in the medical process	Ask clarifying questions and communicate effectively
Provide patient-centered care	Support and educate healthcare providers in complaint-handling, communication, and cultural diversity	Make low-threshold contact
Foster an open environment	Show sympathy and apologize	Establish a strong patient-primary care provider relationship
Understand and recognize the root of patients' emotions	Acknowledge the impact of cultural diversity and language barriers	Act proactively

Overview factors contributing to complaint escalation.

Factor	Effect	Additional effect?
Medical specialty	Certain medical specialties have a higher risk of complaint escalation compared to other specialties.	
One-size-fits-all approach	When healthcare professionals or complaint officers use a one-approach-fits-all strategy, there is a higher risk of complaint escalation.	X
Patient-primary care provider relationship	When there is a poor patient-primary care provider relationship, there is a higher risk of complaint escalation.	
Empathy	When healthcare professionals do not show empathy, there is a higher risk of complaint escalation.	
Disclosure	When healthcare professionals do not disclose during medical treatment and after a service failure, there is a higher risk of complaint escalation.	
Sympathy and apology	When healthcare professionals do not sympathize and apologize after a service failure, there is a higher risk of complaint escalation.	X
Type of complaint	Communication errors seem to be more sensitive to complaint escalation than other types of complaints.	
Duration of the complaint-handling process	When the complaint-handling process takes a long time, there is a higher risk of complaint escalation.	X
Duration of treatment	The duration of treatment influences the patient-primary care provider relationship, which in turn has an impact on complaint escalation.	X
Subjective severity	When the subjective severity of the event is not addressed, there is a higher risk of complaint escalation.	X
Expectations	The higher the discrepancy between patients' expectations and reality, the higher the risk of complaint escalation.	X
Increased demands	The higher the demands of the patients, the higher the risk of complaint escalation.	X
Mistrust	When patients show signs of mistrust, there is a higher risk of complaint escalation.	
Previous negative experience	When patients have previous negative experiences with service recovery in healthcare, there is a higher risk of complaint escalation.	
Socio-economic status	The socio-economic status of the patient influences how they communicate, potentially leading to a higher risk of complaint escalation.	
Language barrier	When patients have a language barrier, there is a higher risk of complaint escalation.	X
Discrimination	When patients have the feeling they are discriminated against, there is a higher risk of complaint escalation.	X
Cultural differences	Cultural differences impact patients' expectations and communication styles, potentially leading to a higher risk of complaint escalation.	X
Not feeling heard	When patients have the idea that their dissatisfaction is not heard and acknowledged, there is a higher risk of complaint escalation.	X
Emotions	When patients show high levels of emotion, there is a higher risk of complaint escalation.	
Lack of emotions	When patients show a lack of emotions in the complaint-handling process, there is a higher risk of complaint escalation.	X
Behavior change	When patients showcase different behavior, such as communicating formally, there is a higher risk of complaint escalation.	X
Detachment	When patients detach themselves from the complaint-handling process, there is a higher risk of complaint escalation.	X
Involvement of the family	When the family is involved in the complaint-handling process, there is a higher risk of complaint escalation.	
Relationship between family and patient	When the patient and family members have a close relationship, there is a higher risk of complaint escalation.	X
Relationship between family and professional	When the professional and family member do not have a personal relationship, there is a higher risk of complaint escalation.	X
Cultural context of the family	When the cultural background of the family is ignored, there is a higher risk of complaint escalation.	X
External influences	External influences, like social media and the internet, increase the risk of complaint escalation.	X
Organizational size	In larger organizations, the risk of complaint escalation is higher compared to smaller organizations.	X
Hierarchy	High-hierarchy organizations have a higher risk of complaint escalation compared to low-hierarchy organizations.	X

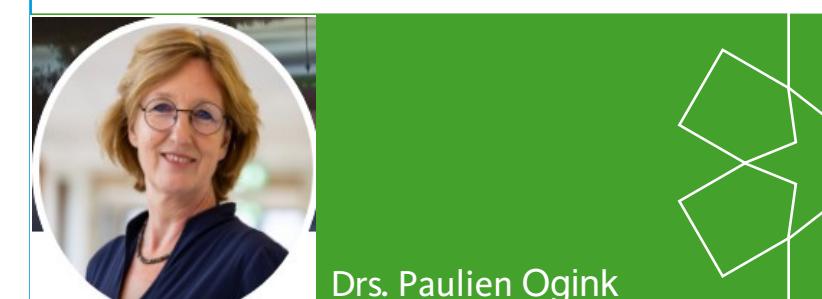
Overview of complaint officer skills.

Skills a complaint officer should possess:	
Interview findings	Professional profile?
Able to provide personalized care	X
Independence and impartiality	X
Transparency and information disclosure	X
Empathy	X
Summarizing conversations	X
Ability to raise awareness about complaint handling among healthcare providers	
Thoroughness in complaint-handling	X
Ability to identify complaint escalation	X
Active listening	X
Analytical thinking	X
Ability for asking probing questions	
Patience and resilience	X
Act proactively	X
Knowledge of legislation	X
Ability to set boundaries	
Attention to nonverbal communication	X



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