

Bioethics Research: Contemporary Debates

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Open Disclosure: Ethical and Legal Issues in Communicating Healthcare Errors

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Abstract

Healthcare is not an exact science and errors inevitably and regularly occur. Open disclosure is the prompt, compassionate, and honest communication with patients and families following an error that has resulted in harm. The issue has received growing attention from policy makers, legal experts and academic researchers, predominantly in a number of English speaking countries. Over the past two decades, disclosure has evolved from a strategic response to rising legal costs focusing on organisational risk minimisation, to an ethical practice seeking to re-establish trust and to improve the quality of care. There is, however, a large divergence between patients' preferences to be told about healthcare errors and current practice. While health practitioners typically endorse disclosure in principle, they often do not share information in practice, with studies suggesting that as few as 30% of harmful errors are disclosed to patients. This talk examines the rationale of open disclosure and the various measures (or lack thereof) that have been put in place around the world to encourage open disclosure and to mitigate some of the barriers to such open communication.

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