



MACRMI

Patient Representation – Best Practices for CARE Programs*

These steps should be followed to ensure appropriate patient representation during conversations regarding resolution and compensation in the CARE process. Resolution may extend beyond financial concerns and may include policy changes and education at the health care facility to prevent future adverse events, or an explanation and apology from health care providers. A conversation with the patient, family, and their attorney should be held to determine the desired resolution.

- 1. Health Care Facilities should encourage patients/families to seek legal representation.** It is in the facility's best interest to ensure that patients/families are represented fairly in order to build trust with the patient/family, maintain the institutional reputation of offering fair compensation, and preserve the credibility of the CARE program. The health care facility should take proactive steps to carefully explain why appropriate representation is necessary.
- 2. Patients/families should be represented by an attorney experienced in medical malpractice litigation and educated about the CARE program.** It is important for a qualified attorney to assist the patient/family in navigating the settlement and ensure that the compensation offered is fair.
- 3. Health Care Facilities should provide patients/families with a list of local qualified attorneys to further encourage and assist patients/families in retaining legal representation, while making it clear that the patient/family is free to choose any attorney, on or off the list.** Patients/families may not have the knowledge or expertise to obtain qualified legal representation on their own, or they may be overwhelmed due to the recent trauma they have experienced.

*While this document describes Best Practices for Patient Representation in the CARE process, it is important for health care facilities to note that beyond addressing medical needs, emotional support is also essential for a patient/family after an adverse medical event. Meeting these needs via a Social Worker, Patient Relations staff, or someone with a similar skill set is the first step to ensuring successful communication, apology, and resolution with the patient/family, and will also help reduce barriers to obtaining appropriate representation.