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23 August 2023

**Consultation – *Disclosure of harm following an adverse event***

When harm occurs as a direct result of medical care,the patient (and/or their family/whānau) should be informed. We call this ’disclosure of harm’. Such situations require prompt follow-up by the doctor, along with honesty and transparency when informing the patient and/or their family/whānau about the harm.

Our draft statement on *Disclosure of harm following an adverse event* is intended to help doctors understand the purpose of open disclosure, why it matters to patients and/or their family/whānau, and to guide doctors in situations that require harm to be disclosed.

While the draft statement is similar to the current statement, our changes are intended to make it clearer and easier to navigate. In addition, there is less emphasis in the draft statement on risk and how harm happens in medical care as the focus is on what we expect of doctors once harm has occurred to the patient.

We welcome your input on our draft statement.

* You will find the proposed draft statement on *Disclosure of harm following an adverse event*  [here](https://www.mcnz.org.nz/assets/News-and-Publications/Consultations/Disclosure-of-harm-following-an-adverse-event-August-2023-draft-for-consultation.pdf).
* The existing statement (December 2010) is available [here](https://www.mcnz.org.nz/assets/standards/b17273cc08/Disclosure-of-harm.pdf).

**Key points at the outset of the statement**

We have added a summary box at the beginning of the statement which contains the following key points:

* When harm occurs as a direct result of medical care, the patient and/or their family/whānau should be informed. We call this ‘disclosure of harm.’ In some jurisdictions, it is called duty of candour.
* You should be prompt, honest and transparent when informing the patient and/or their family/whānau about the harm.
* You should also reflect on what led to the harm, and put measures in place to prevent a similar incident occurring in the future.
* When disclosing harm to the patient and/or their family/whānau:
* ensure that a senior doctor is present
* consider the patient’s needs and preferences for information and support
* document details of the harm, and any disclosures that have been made, in the patient’s records
* consider whether there are third parties that should also be informed of the harm.

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| 1. **Do these key points provide an accurate overview of the statement? What changes (if any) should we make to the key points?** |

**Terms we use in this statement**

We define the following terms in our statement:

* Adverse event
* Harm
* Disclosure of harm
* Near-miss
* Open disclosure
* Risk.

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| 1. **Are there any changes we should make to any of our definitions?** |

**Factors to consider before disclosing harm to the patient**

Similar to the existing statement, the draft statement states the importance of disclosing harm in a timely manner and giving the patient the opportunity to reflect and ask questions. In addition, the draft statement encourages taking a restorative approach to disclosing harm, and outlines the benefit of such an approach.

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| 1. **Is the guidance in ‘Factors to consider before disclosing harm to the patient’ clear, appropriate and practical? What changes (if any) should we make?** |

**Factors to consider when disclosing harm to the patient and/or their family/whānau**

We have re-organised this section so that we are clearer on what a doctor’s obligations are, and what they should consider when disclosing harm.

We have also included a subsection that discusses situations where the doctor may have an obligation to disclose harm to other parties. For example, if the patient died as a result of a medical procedure and that death was medically unexpected, the Coroner must be informed.

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| 1. **Is the guidance in ‘Factors to consider when disclosing harm to the patient and/or their family/whānau’ informative and workable? What changes (if any) should we make?** |

**Any other feedback**

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| 1. **Please provide any other comments you may have about *Disclosure of harm following an adverse event* that you would like us to consider.** |

**Consultation process**

Your input and feedback are important to us. We invite you to review the draft statement and give us your views on our proposed changes. Please use the online form provided. Alternatively, you can email your submission to consultation@mcnz.org.nz.

The consultation closes on **22 September 2023**.