

APOLOGY LEGISLATION AND RESPIRATORY THERAPY

The Importance and Impact of an Apology:

Patients and their families expect to be told when something has happened that has harmed them or had the potential to harm them. Informing them honestly and fully is the right thing to do. After informing them, patients deserve a sincere and honest expression of regret...an apology.

Why Do Patients Need To Hear An Apology?

A sincere apology can help lessen the emotional impact of the harm and can lead to regaining trust between the patient and family and the health care team. It demonstrates respect for the patient and openness between the patient and health care professional.

By Apologizing Am I Admitting Liability?

No. Manitoba has enacted apology legislation which prohibits apologies from being used in court.

Why Do We Have Apology Legislation?

A significant number of patients and families want a sincere apology for what has happened to them. Health care professionals may be afraid that apologizing to a patient will create legal liability. The Apology Act allows health care professionals to apologize freely, without concern for liability. An apology does not affect your professional liability insurance. It is not admissible in court, and it cannot be included in disciplinary and grievance hearings, or civil litigation.

Apology does not apply to criminal offences, such as sexual or physical assault, which fall under federal jurisdiction.

What Is The Impact Of Apology On The Health Care Professional?

After a patient is harmed, health care professionals may feel fear, remorse, self-anger or guilt. Apologizing and expressing remorse can lead to forgiveness and healing for health care professionals as well.

How Do I Apologize?

Talk with your team about who will apologize and how the apology should occur. The words "I'm sorry", should be part of any apology. The apology should take place as soon as possible. Delaying an apology can create resentment on the part of the patient and fear on the part of the health care professional. During the apology, you need to acknowledge that a harmful/adverse event has occurred. Explain the facts without assigning blame. Explain how the event will affect the patient's health. Explain what measures are being taken to prevent a similar situation from occurring to other patients. Document the conversation with the patient and family.

Patients and families want to know that some good may come about as a result of their situation, and they want to know that health care professionals are committed to providing the best care they can. Follow-up with them to let them know that progress has been made.

References

Manitoba Institute for Patient Safety. Manitoba Apology Act Information Sheet. 2014

On October 27, 2014, the Manitoba Institute for Patient Safety (MIPS) and the Manitoba Alliance of Health Regulatory Colleges (MAHRC) launched an information sheet to create more awareness of Manitoba's Apology Legislation and promote apology as the right and humane thing to do when a potential or actual adverse event occurs during the provision of care.

The MAHRC is currently comprised of representatives from twenty-one health professions regulatory colleges, including the MARRT.

The mandate of the MAHRC is to promote effective communication and cooperation among healthcare regulators on matters relating to regulation, administration, education and healthcare in a manner that enhances the work of regulators, collectively and individually, in regulating health care professions in the public interest.

The MAHRC acts as an expert knowledge source and communications point for relevant government departments as well as the Health Professions Advisory Council as set out in section 145 of *The Regulated Health Professions Act* with regard to the creation and maintenance of the health care professions regulatory system.

The MAHRC facilitates communication with the public around the purpose and processes related to self-regulation.

Additional focus includes the provision of governance education opportunities for councils and staff of regulatory bodies. It identifies and facilitates interprofessional education opportunities for regulated members while also mentoring new colleges.