

Bouncebacks! Medical and Legal

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Bouncebacks! Medical and Legal

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Bouncebacks! Medical and Legal takes the reader along an enlightening educational journey beginning with deceptively well patient visits, followed by the feared patient “bounce-backs” with their unexpected bad outcomes, and ultimately revealing the courtroom proceedings that arose from the encounters. The reader can expect to delve into cases beyond the typical morbidity and mortality conference format and into a detailed medicolegal reality that few emergency physicians truly understand. Because casual conversations about personal experiences with malpractice litigation are legally discoverable, we often miss the opportunity to learn from one another’s experiences in this essential and somewhat mysterious realm of medical practice. This book offers just that: concise medical and legal education about malpractice cases that is sorely needed and desired by today’s emergency physicians.

In this second volume of the *Bouncebacks!* series, the authors begin by summarizing data from the bounce-back literature and providing malpractice statistics that reinforce the importance of this topic. Each of the 10 cases offers a section on the patient’s story, the physician’s version (including actual photocopies of handwritten documentation), and the bounce-back with its shocking outcome. The sections that follow the case explain the malpractice accusation (cause for action), include expert commentary on facts affecting the decision to proceed to trial or settle, display subsequent transcripts from the proceedings, and reveal the final judgment.

The medical section of each case can be anxiety provoking because the patient descriptions remind readers of their own daily encounters in the emergency department. Readers will

cringe as they turn the pages because of the anticipation that a terrible outcome will soon be revealed. This section is packed with pearls to improve patient safety, such as being aware of diagnosis momentum, documentation contradictions, and unaddressed abnormal vital signs, to name a few. These pearls are followed by a brief and practical description that allows the reader to implement them into their own practice at the very next shift.

The legal section of each case allows the reader to enter into a world in which terms such as “burden of proof” and “proximate cause” are clearly defined while remaining open to interpretation within the context of the case. The legal expert commentaries methodically discuss the factors that influence the decision to go to trial or not. It is surprising to learn that some of these factors include nonmedical issues such as the believability of the defendant or a plaintiff-sympathetic jury. Last, the transcripts of the proceedings create a realistic experience and give the reader clear insight about how events may unfold when a case proceeds to litigation.

Bouncebacks! Medical and Legal should be mandatory reading for all involved in emergency medicine. In a specialty that is incredibly rewarding yet fraught with medicolegal danger at every encounter, we often have only minutes to hours to diagnose and properly treat a wide spectrum of disease processes. Although this book emphasizes the importance of skills such as communication, proper documentation, and reassessing patients before discharge, it also pulls back the veil to vividly describe the legal ramifications one may face if these skills are neglected.

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