

Alberta launches country's first peer-support network for MDs in legal trouble

Barbara Sibbald

In the face of a civil suit or a college disciplinary hearing, many physicians simply don't know what to do. "Some become devastated," says Dr. Stanley Kolber.

He ought to know. Not only is Kolber a lawyer and a physician, he's also in charge of Alberta's new Medical-Legal Peer Support Network, the first of its type in Canada. And he's seen it all.

"Those who don't know what to do — their practices fall apart, their families fall apart, their lives fall apart," says Kolber. "This [support network] allows them to put it back together." It also helps those who are merely overwhelmed by the stress created by the legal process.

The network, a new effort by the Alberta Medical Association's Physicians' Assistance Committee, was launched Mar. 1 by 10 volunteers who have themselves been through legal or disciplinary proceedings. "They have a feel for what's involved, for why you need a support group," says Kolber, a family physician in Sherwood Park.

The network's one-on-one approach may be unique in North America. Some US states offer group sessions to provide support, but Kolber thought the individual approach would better suit Canadians. "They don't want others to know or they don't want to show their weakness," he says. "Nobody wants to admit [that he or she] allegedly made a mistake."

The Alberta peer-support volunteers pay house calls to provide an "arm around the shoulder" but they also help the physician answer a crucial question: Why me? Using the "culture-of-error concept," which is common in the aviation industry, the volunteers are trained to look at the total event and its possible causes.¹

The culture-of-error concept focuses on what can be done to eliminate errors rather than focusing on individual physicians' problems. "The physician is just the end result of a whole mess of problems: education, budgetary constraints and the like," says Kolber.

At the end of the process, there will likely be evidence of turmoil in the system, evidence that "you can't practise without relief, without money, without staff." The volunteers "try to reassure, educate and put it all in perspective."

However, they do not go into the details of the case because a plaintiff's lawyer could then subpoena them to testify. Instead, they give examples of similar cases so that physicians have something to relate to their own case.

The Canadian Medical Protective Association says this type of service is needed. Dr. Indu Gambhir, assistant secretary-treasurer at the CMPA, says physicians need both legal

help and personal support when facing a lawsuit or similar difficulties. "Physicians report that when they could speak to a trusted colleague or family member, it was helpful," she said.

The CMPA has documented the stressful effects of disciplinary actions and civil suits. A 1995/96 survey of 73 CMPA members looked at the effects of stress on doctors after a complaint was launched against them at a provincial college.² Pressure was most intense immediately following notification of the complaint, with 75% of respondents experiencing significant levels of stress. The intensity lessened as the physicians prepared to respond and awaited the college decision, but more than 40% of respondents still experienced significant stress throughout the entire process. After the complaint was resolved, only 25% of the respondents felt that their stress had been eliminated.

These physicians reported that reviewing records, talking to trusted colleagues and being reassured by peers helped them deal with the stress. The most helpful strategies were discussing the issues with their family, making contact with the CMPA and receiving CMPA assistance.

Dr. Arlene Rosenbloom, an Ottawa physician who, along with her practice partner, faced a wrongful-birth malpractice suit, says she would have welcomed a peer-support service.³ "It would have been nice to have had some support." She says she would have liked some reassurance about procedures and likely outcomes. "The whole secrecy surrounding a lawsuit contributes to the anxiety you feel. It was a private trauma you carried."

Since her case ended in 1996, with a \$3-million award for the family involved, Rosenbloom has helped 3 other physicians cope with civil suits. "There is a need for a formal network because of the increase in frequency and severity [of lawsuits]," she says. "Having a service in place helps and validates the problem. Doctors tend to suffer on their own. . . . It's a control issue. If you ask for help, it means you aren't coping well."

Kolber, who would welcome new volunteers or suggestions, can be reached by fax, 780 449-3110.

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