

Managing Legal Challenges in Healthcare Practice



Reading time:
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Litigation remains steady. Your chances of being sued are low and trials are rare.

Complaints and investigations are rising. AHPRA, Coroners Inquests, Medicare investigations, [Drugs & Poisons](#), Hospital/Health Service – these are clinical/patient care plus professional/behavioral/employment related.

Potential personal effect on wellbeing

- Self-esteem loss/shame, anger/denial
- Defensive medicine
- Depression/anxiety/ substance abuse
- Financial/reputational woes
- Status/ collegiate & training program issues
- Other health issues and relationship difficulties

What you should do

- Stay professional and calm
- Preparation is everything – get the facts and focus on the allegations only
- Re-establish control – get perspective
- Modify any practice points/reflect and consider
- Relinquish any control traits
- Take advice of experts (MIPS advisers and solicitors)

What you shouldn't do

- Don't panic, don't delay or ignore
- Don't change notes and do not contact the complainant
- Do not respond to anyone without seeking advice from MIPS

How to create a solid defence

While you can't go back and alter your records, you can still **create a solid defence** based on your actions to date.

- **Notify MIPS** of any adverse/ unexpected outcome, complaint, claim or investigation
- Records - your primary concern. Must always be sufficiently detailed including consent
- The level of healthcare provided when assessed by in house or by external experts needs to be in line with the usual professional standards, procedures and protocols of healthcare as required by your craft group, your College and or AHPRA.
- Keep up to date with contemporary practices.

What can assist you mitigate the potential personal effects

- Listen to MIPS/solicitors and educate yourself about the legal or investigation process
- Schedule time in advance for interviews with MIPS/lawyers.
- Take care of yourself. Exercise regularly/eat well. Maintain a healthy work /life balance
- Work to restore mastery and self-esteem.
- Engage in activities that will increase your competence: courses, accreditation activities
- Learn from the experience. If necessary, modify practices that make you vulnerable.
- Spend quality leisure time with family and friends.
- Recognize that litigation is often about compensation, not your competence
- Look reflectively at your life - personal, professional, financial, and recreational
- Never treat yourself or self-medicate

What will assist you

We strongly recommend talking with your spouse, a trusted friend, a colleague and or a trained professional. This is likely to help counteract any shame & isolation you may feel.

Remember - All is not lost

The process can be difficult and challenging but MIPS and many other avenues are available to assist you:

- There is generally a satisfactory and private compromise and outcome for all parties
- Acknowledge the process as part of your profession as a health care worker
- You can and will survive and improve following this challenging journey

Mental health, suicide and alcohol and drugs support

Doctors' Health Advisory Services

The Doctors' Health Advisory Service aims to ensure that every doctor, dentist or student in these professions has ready access to health care.

- ACT & NSW dhas.org.au
- NT dhas.org.au
- QLD dhasq.org.au
- SA doctorshealthsa.com.au
- TAS & VIC vdhp.org.au
- WA dhas.org.au

Crisis support and suicide prevention

- **Lifeline** 13 11 14
- **Kids helpline** 1800 551 800
- **Beyondblue** 1300 22 4636
- **Headspace Suicide callback service** 1300 659 467

Alcohol and drugs

For 24/7 support in Australia you can contact

- **Alcoholics Anonymous Australia** 1300 22 22 22
- **Narcotics Anonymous Australia** 1300 652 820

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