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Review

Clinical safety and professional liability claims in Ophthalmology[☆]



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ABSTRACT

Introduction: Patient safety is an international public health priority. Ophthalmology scientific societies and organizations have intensified their efforts in this field. As a tool to learn from errors, these efforts have been linked to the management of medical professional liability insurance through the analysis of claims.

Material and methods: A review is performed on the improvements in patient safety, as well as professional liability issues in Ophthalmology.

Results: There is a high frequency of claims and risk of economic reparation of damage in the event of a claim in Ophthalmology. Special complaints, such as wrong surgery or lack of information, have a high risk of financial compensation and need strong efforts to prevent these potentially avoidable events. Studies focused on pathologies or specific procedures provide information of special interest to sub-specialists. The specialist in Ophthalmology, like any other doctor, is subject to the current legal provisions and appropriate mandatory training in the medical-legal aspects of health care is essential.

Conclusions: Professionals must be aware of the fundamental aspects of medical professional liability, as well as specific aspects, such as defensive medicine and clinical safety. The understanding of these medical-legal aspects in the routine clinical practice can help

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con to pave the way toward a satisfactory and safe professional career, and help in increasing patient safety. The aim of this review is to contribute to this training, for the benefit of professionals and patients.

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Seguridad clínica y reclamaciones por responsabilidad profesional en Oftalmología

R E S U M E N

Palabras clave:

Reclamaciones
Seguridad clínica
Seguridad del paciente
Responsabilidad profesional

Introducción: La seguridad del paciente es una prioridad a nivel internacional. Las sociedades científicas y demás organizaciones en el campo de la Oftalmología han intensificado sus esfuerzos en materia de seguridad del paciente. Estos esfuerzos se han relacionado con la gestión del aseguramiento de la responsabilidad profesional médica mediante el análisis de las reclamaciones, como herramienta para aprender del error.

Material y método: Revisión de la evolución en materia de seguridad clínica y responsabilidad profesional médica en la especialidad de Oftalmología.

Resultados: La Oftalmología tiene una frecuencia elevada de reclamación y un riesgo elevado de indemnización en caso de producirse la reclamación. Determinadas reclamaciones, suscitadas por un error de cirugía o un defecto de información, tienen un riesgo especialmente elevado de indemnización y se precisa aumentar los esfuerzos para la prevención de estos eventos potencialmente evitables. El especialista en Oftalmología, como cualquier otro facultativo, está sujeto a la normativa legal vigente y una formación adecuada obligatoria en los aspectos médico-legales del ejercicio sería esencial.

Conclusiones: Los profesionales deben tomar conciencia de los aspectos fundamentales de la responsabilidad profesional médica, así como aspectos específicos como la medicina defensiva o la seguridad del paciente. El conocimiento de estos aspectos médico-legales de la práctica clínica ayuda a allanar el camino hacia una carrera profesional satisfactoria y segura y ayuda a incrementar la seguridad del paciente. El objetivo de esta revisión es contribuir a esta formación en beneficio de pacientes y profesionales.

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Introduction

Clinic or patient safety (CS) is an international priority.¹ Scientific societies and other organizations related to ophthalmology have increased their efforts in this regard in recent decades.²⁻⁷ These efforts involve the management of medical professional responsibility assurance (MPR) through the analysis of claims as a tool to learn from errors.^{8,9} However, in our environment data related to the ophthalmology specialty are few and therefore the authors consider that the approach described in this review could be of interest to ophthalmologists.

Material and method

A descriptive review of CS and MPR evolution in the ophthalmology specialty, combining searches in the PubMed reference repository, websites of relevant scientific societies and institutions as well as national and international health organizations, including national laws. In addition,

a preliminary descriptive analysis of claims submitted to the Council of the Medical Societies of Catalonia (CMSC) related to the ophthalmology specialty between 1986 and 2015, predominantly against private specialists.^{8,9}

Results

Clinic safety: a historical perspective

It is estimated that in developed countries one out of every 10 patients and viewers of some sort of injury during hospital stays.¹ This clashes with the bioethical principle of non-maleficence of our profession.¹⁰ In the 17th and 19th centuries, Semmelweis, Nightingale and Codman, concerned by human suffering, so opportunities for healthcare improvements, measuring results and proposing changes with varying degrees of success.¹¹

In 1991, the publication of the *Harvard medical practice study* results started to establish a body of knowledge¹² and the publication of *To err is human: Building a safer health system*¹³ in 1999 by the Institute of Medicine of the United States (USA)

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