

## Administrative Compensation Systems

### *Enhancing Patient Safety*



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## Potential Elements of an Administrative Compensation System

- Compensation decisions made outside the regular tort system
  - File with administrative agency
  - Exclusive remedy, with appeal options
- Neutral adjudicators
  - Evidence based judgments + use of precedent
- Decisions based on avoidability standard (broader than negligence). No assignment of responsibility
  - NOT pure "no fault"
  - Causation still also required
- Explicit guidelines to determine economic + noneconomic damages
- System collects and uses data specifically to drive patient safety improvement

## Administrative Systems Can Further Patient Safety

- Function as a reporting system
  - Patients with an incentive to report
  - Pooling of relatively large numbers of rare events
    - With aggregate data, much needed analyses possible
- Foster culture of safety
  - No focus on blame/assignment of responsibility
    - Concerted efforts to improve/Transparency
- Enhance patient-physician relationship
  - Disclosure of error supported

## A No Blame Administrative System and Accountability

- Information not used for disciplinary processes (except in cases of imminent safety threat)
  - International (and U.S.) experience suggest this is critical to physician support of the compensation process
- What to do about accountability for the "bad apples"?
  - Patient can ask for an investigation with a separate filing to a separate disciplinary agency. Allows to individual accountability when necessary.