- Meyers AR. "Lumping it": the hidden denominator of the medical malpractice crisis. Am J Public Health 1987;77:1544–1548.
- May ML, Stengel DB. Who sues their doctors? How patients handle medical grievances. Law & Society 1990;24(1):105–120.
- Lawthers AG, Localio AR, Laird NM, Lipsitz S, Hebert L, Brennan TA. Physicians' perceptions of the risk of being sued. J Health Polit Policy Law 1992;17:463–482.
- Witman AB, Park DM, Hardin SB. How do patients want physicians to handle mistakes? A survey of internal medicine patients in an academic setting. *Arch Intern Med* 1996;156:2565–2569.
- Lester GW, Smith SG. Listening and talking to patients. A remedy for malpractice suits? West J Med 1993;158:268–272.

- Vogel J, Delgado R. To tell the truth: physicians' duty to disclose medical mistakes. UCLA Law Review 1980;28(52):95.
- Berlin L. Malpractice issues in radiology. Admitting mistakes. AJR Am J Roentgenol 1999;172:879–884.
- Nowicki M, Chaku M. Do healthcare managers have an ethical duty to admit mistakes? *Healthc Financ Manage* 1998;52:62–64.
- Cohen JR. Advising clients to apologize. Southern California Law Review 1999;72:1009–1069.
- 23. Greely HT. Do physicians have a duty to disclose mistakes? West J Med 1999;171:82–83.

Invited commentary

The article by Ms. Huntington and Ms. Kuhn on malpractice reduction by better communication is clearly on target and based upon long-standing recognition that an empathetic, communicative relationship with patients reduces the risk of a lawsuit even after adverse clinical events or outcomes.

As the authors indicate, openness, honesty, empathy, and good anger management are fundamental components of a healthy doctor-patient relationship. Most experienced physicians have had patients who were willing to "forgive" an error or omission when it was openly disclosed. Defensiveness on the part of the physician only polarizes the situation. Untruthfulness, such as changing a record entry, is a recipe for disaster.

Some physicians are more adept at these interpersonal relationships than others. Many physicians know of others they regard as less skilled who are "never sued," presumably because of their exceptional interpersonal skills. Conversely, I have observed many patients referred to extremely competent, knowledgeable physicians, only to return complaining of how they were treated or communicated with. Sometimes highly analytical doctors, deep in thought about the problem they are dealing with, are perceived as unconcerned about the patient they have in front of them. So the question might be whether or not such quiet, analytical physicians can achieve the empathy and communication levels needed. The answer is yes, but only by consciously applying some of the principles suggested by Huntington and Kuhn. It is beyond the scope of this article, but physicians have considerably more risk reduction tools than the interpersonal skills well illustrated in the article. The culture of medicine is now more complex than in the days when every physician was expected to be the sole repository of skill and knowledge for a patient. Now physicians have the opportunity to harness the skills of others on the health care team to produce superior outcomes, fewer errors, and fail-safe mechanisms. We all need a support team to avoid mistakes and maximize effectiveness.

The new complexity of technology, information, genomics, and highly specialized, fragmented care is also depersonalizing for patients. The Institute of Medicine's book *Crossing the Quality Chasm* illustrates that patient-centered care will be a critical component of successfully restoring our health care system. In most surveys, patients consider items that deal with the way they are treated as important quality indicators; they simply assume that they will get correct treatment. Physicians, instead, regard "giving the right drug" or "a successful surgical technique" as the critical factors in quality. Patients want choice in their treatments, access to care, and respect of their own value system. They will insist on understanding their options, integrating outside information, and participating in their own risk decisions. Communication skills will be critical in meeting these needs.

Thanks to the authors for their work. Any of us can apply their advice if we will.

-CARL E. COUCH, MD, MMM

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