“Don’t Gag Me” Report Issued by Sorry Works

Confidentiality clauses in med-mal settlements focus of study by national patient safety group.

Edwardsville, IL, December 11, 2017 --(PR.com)-- Confidentiality clauses or “gag orders” in legal settlements is a hot news item with the sexual abuse scandals engulfing Harvey Weinstein and other prominent figures. Gag orders keep victims quiet while allowing perpetrators to move on with their careers. Sorry Works!, a 501c3 non-profit national patient safety organization focused on promoting disclosure and apology following medical errors, is releasing a study on confidentiality clauses in med-mal settlements.

“Whether you are talking about Harvey Weinstein, GM ignition switches, the Catholic church, or medical malpractice settlements, gag orders are wrong. Not only do confidentiality clauses further harm the victim, but they also allow unsafe practices to continue,” said Doug Wojcieszak, Founder and President of Sorry Works!

Sorry Works! interviewed and surveyed stakeholders in the medical malpractice field to learn about confidentiality clauses in settlements with disclosure and apology becoming more prevalent. Stakeholders included plaintiff’s and defense lawyers, patients and families, risk managers, doctors and nurses, hospital and nursing homes executives, insurance professionals, and medical/legal reporters.

Respondents shared that gag orders are commonly used in settlement negotiations (another check box on the way to a settlement), but not in a uniform manner. Consumers are fearful of violating gag orders, but confidentiality clauses are not realistically enforceable against patients and families and do little to nothing to impede plaintiff’s attorneys. Unfortunately, gag orders appear to limit sharing and learning from medical errors, especially between healthcare organizations and across the healthcare industry. Sorry Works! believes gag orders harm patient safety efforts and lead to more preventable medical errors that injure and kill patients.

Reform recommendations include:

- Settlements with no confidentiality clauses and case details (without names or monetary figures) being shared to improve patient safety.

- Development of “advocacy clauses” in settlement documents to educate consumers and clinicians about the ways their stories can be used to improve patient safety.

- Crafting HIPPA waivers so a hospital, nursing home, or clinician is not gagged in responding to a media story.

- Creation of a voluntary nationwide database of closed claims to further increase learning from medical errors.
“We are offering concrete reforms to the way medical malpractice cases are settled and closed. These recommendations will not only benefit patients and families, but also doctors, nurses, hospitals, and nursing homes,” said Wojcieszak. “We must learn from our mistakes to make medicine safer.”

Sorry Works! is a 501c3 non-profit based in Edwardsville, IL. Sorry Works! is the nation’s leading disclosure training organizations for doctors, nurses, hospitals, and nursing homes. For more information, visit www.sorryworks.net, call 618-559-8168, or e-mail doug@sorryworks.net

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