

# CARe insurer case resolution conversation language guide

## COMMUNICATION, APOLOGY AND RESOLUTION (CARe)

An essential part of the Communication, Apology and Resolution (CARe) process is the resolution conversation with the patient and/or family. This takes place after an internal quality review of the event that identifies issues in care, their causes, and corrective actions, and which answers the following questions:

1. Did the care meet accepted professional standards?
2. If not, did that unmet standard of care cause the patient significant harm?

In some circumstances, these answers may be obvious after your evaluation; in others, they may not be as clear. If you believe that the care fell below professional standards and caused significant harm, or if you are unsure, those cases are **CARe insurer cases — this means you should talk with your malpractice insurer or claims department before the resolution conversation** with the patient and family to coordinate this discussion. These cases require a referral to the insurer for further evaluation of potential compensation. If the patient has an attorney at this stage of the process all communications with the patient/family must include the attorney. Please see [resolution conversation checklist](#) for more details about the preparation and content of this conversation.

Consider using the suggested language below when having the conversation with the patient or family members about a CARe insurer case:

	<b>Suggested language</b>
Care did not meet accepted professional standards and caused significant harm	<p>“We are so sorry for the suffering this has caused you. We take this very seriously and will support you as you heal. We expect that you might be thinking about the consequences of this event, including the possibility of compensation. We fully support your pursuit of an independent evaluation of your care by our liability insurance carrier. They will need to speak with you and get your permission to review your medical records. They can work with you directly, but we encourage you to be represented by counsel; there are attorneys who are familiar with the CARe process, but you can use any attorney you want if you choose to use one.”</p> <p>“We are so sorry for the suffering this has caused you. It is possible that you may be entitled to payment or compensation to try to account for your suffering. To understand if this is an option for you, we’ll need to connect you to our insurer so they can evaluate your case. This process can take some time, and they will work with you directly. We encourage you to be represented by a lawyer — doing so can help the process go more smoothly and can help you feel it is fair. If you decide you would like an attorney, there is a state agency that lists attorneys who have experience with patients in this kind of process, called CARe, but you can use any lawyer you want to. Do you have any questions about this?”</p>
Unsure if care met accepted professional standards and/or unsure if caused significant harm	“We are sorry that this has happened. As we have explained, we were not able to determine whether there truly was an error [or: whether the error that happened caused your injury], but if you’d like, we can refer your case to our liability insurance carrier to do an independent review with other experts. They may be able to offer additional insight that we cannot. To do this, they will need to speak with you and get your permission to look at your medical records.”