

# Ethics and Wellness Column: Defamation, Slander, and Libel in Medical Practice: Building a Culture of Trust and Accountability

T. Allen Merritt, MD, MHA, Mitchell Goldstein, MD, MBA

## Abstract:

*This manuscript delves into the critical concepts of defamation, slander, and libel and their relevance within medical practice and interpersonal relationships in healthcare. Emphasizing the profound impact of "To Err is Human," (1) this paper argues for designing systems that prioritize patient safety while fostering a blame-free culture. By examining the role of ethical codes of professional organizations in shaping physicians' conduct towards their peers and other healthcare professionals, the manuscript explores how personal ethics can impact career advancement and overall trust within the medical community. Apologies are addressed as a starting point for rebuilding trust, but progress lies in reducing and preventing errors rather than engaging in futile criticism and peer denigration.*

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## Introduction:

Defamation, slander, and libel are legal terms encompassing false statements or representations that harm an individual's reputation. In the medical realm, such actions can have severe consequences, affecting professional relationships and compromising patient care. This manuscript aims to shed light on the significance of these issues in healthcare settings, emphasizing the need for a proactive approach to building a culture of trust and accountability.

## Defining Defamation, Slander, and Libel:

Distinguishing between Defamation, Slander, and Libel is fundamental to understanding the legal and ethical implications of making false statements about an individual that can tarnish their

reputation. (2) In medical practice, where trust and credibility are paramount, grasping the nuances of these terms becomes exceptionally crucial.

In its broadest sense, defamation encompasses making false statements that can harm an individual's reputation. Within this overarching definition, two key subcategories emerge: slander and libel. These subcategories help us differentiate between the mode of communication and the permanence of the medium used to convey the damaging statements.

Slander pertains to defamatory statements that are spoken or orally communicated. When someone makes false claims about another person verbally, and these statements have the potential to harm their reputation, it qualifies as slander. In a medical context, slander might involve making unsubstantiated allegations about a healthcare professional's competence or ethics during a conversation, a meeting, or a verbal exchange. Such statements can lead to not only a decline in the reputation of the individual targeted but also affect their professional relationships and potentially result in legal consequences.

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On the other hand, libel specifically relates to defamatory statements made in writing or through other permanent forms of communication, such as emails, printed publications, or social media posts. These written or recorded statements are considered libel because they are enduring and can be preserved or shared widely. In medical practice, libel might encompass instances where false information about a healthcare provider's qualifications or behavior is published online or disseminated in written documents. The lasting nature of libelous statements makes them especially damaging, as they can be referenced and perpetuated over time, compounding the harm to the individual's reputation.

Recognizing these distinctions between defamation, slander, and libel is essential for several reasons in healthcare. Firstly, healthcare professionals must protect their reputations, as their credibility and integrity directly impact their ability to provide effective patient care. Secondly, understanding these distinctions helps individuals and organizations address the potential impact of harmful rumors and misinformation in a more informed manner.

In a world where information travels rapidly through various chan-

nels, the consequences of slander and libel can be far-reaching and damage the targeted individual's reputation and the trust and confidence that patients and colleagues have in the healthcare system. Therefore, promoting a culture of integrity, accountability, and ethical communication is pivotal in maintaining patients' trust and confidence, upholding healthcare practitioners' professionalism, and ensuring high-quality medical care.

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#### **The Relevance of Defamation in Medical Practice:**

Trust is a foundational element in healthcare that binds patients and medical professionals together. Patients rely on the expertise and integrity of their healthcare providers to make life-altering decisions about their well-being. Defamation can undermine this trust, leading to fractured interpersonal relationships and a decline in the quality of patient care. Also, false accusations against healthcare practitioners can damage reputations and potential legal repercussions. Therefore, medical professionals must be vigilant about their words and actions, fostering an environment where open communication and constructive feedback are encouraged.

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#### **Emphasizing “To Err is Human”:**

Lucian Leape's book “Making Healthcare Safe: The Story of the Patient Safety Movement” highlights the inevitability of human error in any profession, including medicine. Medicine involves complex decision-making, and errors may occur despite the best intentions and efforts. Recognizing that blaming individuals for er-

rors rarely resolves the root cause of mistakes is crucial. Instead, a systemic approach to patient safety should be adopted, emphasizing checks and rechecks to prevent errors and improve healthcare delivery. (3) This requires shifting from a culture of blame to learning from mistakes and collectively working toward improvement.

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#### **The Role of Ethical Codes and Professional Organizations:**

This section explores how the Code of Ethics, as set forth by the American Medical Association (AMA) and other professional bodies, shapes the behavior and attitudes of physicians and healthcare professionals. These ethical guidelines ensure that practitioners adhere to high professionalism and patient care standards. However, the changing landscape of medicine, with its increasing demands and pressures, raises the question of whether these ethical standards are being upheld or if expediency and self-advancement have taken precedence over ethical considerations. The medical community must reflect on these values and recommit to upholding integrity, respect, accountability, and trust. (4)

#### **Cultivating a Culture of Trust and Accountability:**

Building a culture of trust and accountability requires a collective effort from all healthcare team members. This includes physicians, nurses, technicians, administrators, and support staff. Open communication channels are essential, where concerns can be raised without fear of retribution. Fostering a blame-free environment also encourages healthcare professionals to report errors and near-misses, providing valuable data for improving safety protocols and preventing future mistakes. Apologies, when sincere, can serve as a starting point for repairing relationships, but they should be accompanied by concrete actions to prevent future errors and foster a culture of continuous improvement.

#### **Implementing Systems for Error Reduction:**

While it is acknowledged that eliminating human error within the healthcare system may not be entirely attainable, it is essential to recognize the extensive array of strategies and measures that healthcare organizations have diligently adopted. These measures aim to reduce the incidence of errors and mitigate the po-

tential or actual harm that may befall patients. In their pursuit of enhancing patient safety, healthcare institutions have employed multifaceted approaches.

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One of the fundamental strategies that healthcare organizations have embraced is the standardization of procedures. Standardizing protocols and processes ensures that healthcare professionals consistently follow established, evidence-based guidelines. This approach helps minimize the likelihood of errors and promotes a more systematic and streamlined approach to patient care. Additionally, checklists have become invaluable tools in healthcare settings, as reminders for critical tasks and reducing the risk of overlooking essential steps in patient treatment or surgery.

Enhancing communication and teamwork among healthcare professionals is another cornerstone in improving patient safety. Effective communication and collaboration are essential to ensuring that vital information is shared among team members, reducing the likelihood of misunderstandings and errors. This collaborative approach is particularly significant in situations requiring coordinated efforts, such as surgeries and emergency medical interventions.

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Investing in training and education for all healthcare professionals is also critical to mitigating errors. Continuous education and skill development keep healthcare workers up-to-date with the latest advancements and enhance their ability to make informed decisions in high-stress situations. The more prepared healthcare professionals are, the more likely they are to provide safe and ef-

fective patient care.

Moreover, technology and data-driven decision-making have emerged as powerful tools in the quest for improved patient safety. Integrating technology, such as electronic health records and decision support systems, has significantly enhanced the accuracy and efficiency of healthcare processes. (5) These innovations provide healthcare providers access to critical patient information and clinical guidelines, facilitating well-informed decisions and reducing the likelihood of errors.

A noteworthy advancement in the healthcare field is the implementation of procedural “time-outs” and identifying team roles. These measures have made substantial progress in minimizing errors, especially in surgical settings. Time-outs allow the surgical team to pause and verify critical information, such as the patient’s identity, the procedure to be performed, and any allergies or special considerations. Simultaneously, clearly defined team roles ensure that each member understands their responsibilities, reducing the risk of miscommunication and errors.

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Despite these commendable efforts, specific patient safety concerns persist. In-hospital falls, medication errors, and documentation mistakes are areas of heightened concern. These issues necessitate ongoing attention and innovation to enhance patient safety further and reduce the occurrence of adverse events.

Regrettably, professional integrity, safety, and trust in the healthcare industry have faced challenges due to the persistence of a “blame game” culture employed by some individuals. In pursuing personal career interests, these individuals often blame their colleagues for errors or incidents. This approach erodes trust and teamwork, hindering the progress of patient safety initiatives. Healthcare organizations must promote a culture of transparency, accountability, and continuous improvement to counteract this damaging trend and prioritize the well-being of their patients above all else.

#### **Conclusion:**

In summary, it is essential to acknowledge that defamation, slander, and libel have far-reaching implications within medical practice, significantly influencing patient care and professional relationships. To effectively address these issues, healthcare systems should adopt a culture that refrains from assigning blame and

instead emphasizes proactive measures for enhancing patient safety and healthcare practitioners' well-being.

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The healthcare environment can evolve into supportive and trust-based by upholding ethical standards and strongly emphasizing accountability. Such a transformation ultimately proves advantageous for both patients and healthcare professionals. By recognizing that “To Err is Human” and by working collaboratively to prevent errors not only in the context of patient care but also in interactions with peers and fellow medical professionals, physicians and other healthcare providers can continue on their journey toward delivering the highest quality of care while maintaining the principles of integrity and professionalism.

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**NT**

Corresponding Author



T.Allen Merritt, MD, MHA  
Professor of Pediatrics  
Loma Linda University School of Medicine  
Division of Neonatology  
Department of Pediatrics  
email: [allenmerritt.md@gmail.com](mailto:allenmerritt.md@gmail.com)



Mitchell Goldstein, MD, MBA, CML  
Professor of Pediatrics  
Loma Linda University School of Medicine  
Division of Neonatology  
Department of Pediatrics  
Loma Linda University Childrens Hospital  
Loma Linda, CA  
Email: [mgoldstein@llu.edu](mailto:mgoldstein@llu.edu)

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