

RESTORATIVE JUSTICE AND ITS SIGNIFICANCE IN MEDICAL MEDIATION

Rebuilding broken trust

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INTRODUCTION

Restorative justice is the responsibility that the perpetrator should undertake to clarify the damage, and needs of the victim as well as to correct those damages. At the minimum, this Procedure requires the participation of the victim, the perpetrator and the community.

Restorative justice allows dialogue to support substantive self-determination in medical mediation, which is a dialogue process of medical accidents that occurred between physicians and patients.

In this study, especially observing the realities of medical practice, I studied the dynamic between the factors acting on the reality.

METHODOLOGY

Treating grief – a case study

A man lost his wife after an adverse medical event

He was very angry and wanted to take legal action against the doctors and the hospital.

The man was very angry and didn't want to listen to the explanation from the doctors and hospital or accept their apology.

Several weeks after the event, he agreed to a narrative medical mediation and also to have his wellbeing monitored.

I monitored his wellbeing using a measurement called SEIQoL (Subjective Evaluation of Individual Quality of Life) and "Response Shift" evaluation.

Improvement in SEIQoL index was seen in this spouse who experienced medical mediation for his wife's death.

A wider range of QoL evaluation were also measured.

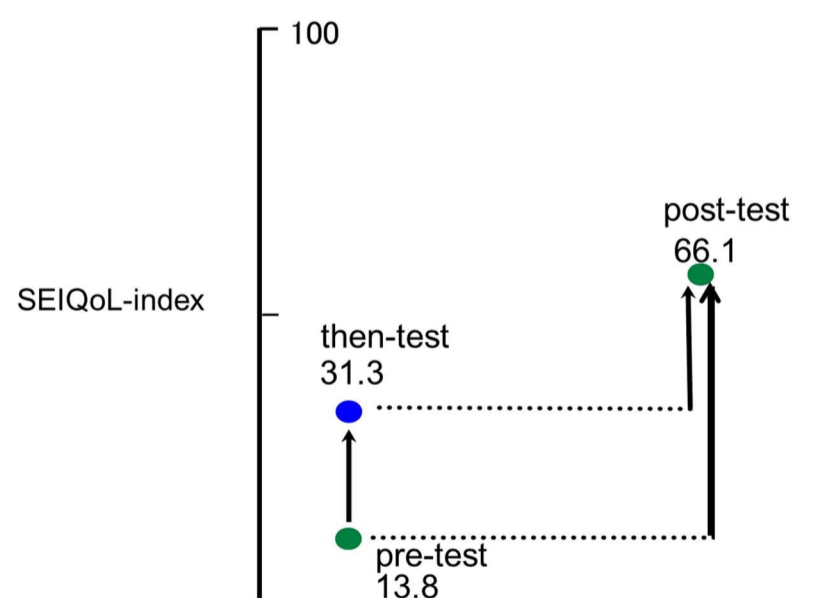
RESULTS

This narrative-based Wada & Nakanishi's medical mediation assisted in collaborative Decision-making process by providing grief care and improving his consciousness regarding the situation. In this method, the medical mediator listens to the claims of the concerned parties and analyzes 4 elements of the interests, which are facts, anger, claims, and emotions.

This process helps victims narrow down and realize their true interests. The main role of a mediator is to facilitate informed consent based on a mutual exchange dialogue. In Japan, medical self-determination is generally strongly influenced by family members, and it created problems for this particular case.

In this study, we implemented self-determination and a dynamic process, which consider the psychology of the victim, instead of traditional legal method, which emphasizes outcomes. Its efficacy was recognizes in the field of medical practice, and adopted as a mediation model by the Social Insurance Board of Ministry of Health, Labor and Welfare.

Restorative significance — medical mediation



CONCLUSIONS

- Restorative significance – medical mediation (Nakanishi & Wada Model) After adverse medical events, patients and/or families have significant medical and emotional interests
- Supportive relationships
- The effects of a sincere apology
- The need to understand why and how an adverse event happened.
- Ongoing and future issues
- Practice – facilitating medical mediation and training medical staff on it
- Research –Quantifying emotional, social and physiological benefits of medical mediation and comparing them to standard legal processes
- Unlike standard mediation, this medical mediation had restorative significance

— Optional conclusion: Eventually received evaluation of the health dialogue promoting education as a dialogue model of doctor patient relations patient support systems for medical reward policy of the Ministry of health, was promulgated as policy than the 4/2012.