



### Marijuana: The Gateway Drug to Implementing a Mandatory (Digitised) Medical Error Disclosure Policy in The Bahamas

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Written by Lesvie Archer

Policy Fellow, GPPI

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***Introduction/Summary of The Problem:*** Due to the establishment of medical cannabis laws, patients are asking physicians to provide more information about medical cannabis; physicians should feel comfortable disclosing to patients the gaps in knowledge that exist about the efficacy and safety of medical cannabis.<sup>1</sup> The USA's Food and Drug Administration (FDA) has received reports of adverse events in patients using cannabis or cannabis-derived products to treat medical conditions. Adverse events include recognition that "regular healthy cannabis users, regardless of age, display poorer neurocognitive functioning relative to nonusers."<sup>2</sup> The FDA conducts routine surveillance of all adverse-event reports for safety signals, including those involving cannabis use, with a focus on serious adverse effects. Health care professionals and consumers are encouraged to report adverse events related to using cannabis or cannabis-derived products.<sup>3</sup> Researchers have also examined how reporting practices can be used to prevent future patient deaths; coroner's reports were used to reveal preventable medication errors or adverse drug reactions; cannabis or synthetic cannabinoids accounted for some medication errors and adverse drug reactions that resulted in patient deaths.<sup>4</sup>

The Bahamas' impending Cannabis Bill, 2023<sup>5</sup> serves as a reminder to address the country's urgent need for mandatory error disclosure policy in the public health/hospital system. According to Archer (2019), "senior health professionals in the Bahamas have suggested that a medical culture that encourages 'internal reporting of errors' must be created to increase patient safety."<sup>6</sup> Archer also reveals that Bahamian physicians believe that truth-telling and honest disclosure with patients is a primary duty of physicians, and patients deserved error disclosure, as well as an apology for medical errors, preceded by a thorough investigation into patient concerns.<sup>7</sup> The problem is that without a mandatory medical error reporting and disclosure policy to the benefit of patient safety, evidence concerning the truth-telling practices and apologetic posture of Bahamas-based doctors towards patients will remain lacking. Application of an effective patient safety policy will resolve many of the organizational challenges caused by medical errors.<sup>8</sup>

Considering that medical errors and adverse events are the cause for countless patient deaths each year, they should be seen as a public health issue. While identified as the third leading cause of patient deaths in the United States, statistics on medical errors in The Bahamas are not publicly available because there is not mandatory medical error reporting and disclosure policy. Medical errors may lead to human suffering and may increase financial costs undertaken by public and private entities, which estimates billions of dollars in the USA.<sup>9</sup> Research on medical errors thrives chiefly in the 'global north' where there is an expectation of patient safety and error reporting.<sup>10</sup> The "Patients' Bill of Rights," is the authority on which full disclosure of an error is demanded.<sup>11</sup> Adverse events and medical errors are two related



concepts in healthcare: while adverse events refer to any injury or harm that results from medical care,<sup>12</sup> medical errors are incorrect practices or accidental events that occur while pursuing a specific medical goal;<sup>13</sup> the latter may or may not cause adverse events. Common causes of medical errors include staff shortages, physician/nurse burnout, lack of knowledge/education/training, communication issues, inadequate or inconsistent policies and procedures, technical failures of medical equipment etc.<sup>14</sup>

While local and external agencies both acknowledge medical errors as a prime concern to patient safety and health in the country, The Bahamas' Medical Act, 2014 only demands that physicians disclose previously consented information or when an injury is likely.<sup>15</sup> Unfortunately, a mandatory medical error disclosure policy is usually grounded in a country's bill of patients' rights, which is also lacking explicit mention of a medical error disclosure.<sup>16</sup> With no mention of changes to the Medical Act to resolve this policy gap, patients who perceive themselves as benefiting from this cutting-edge policy, risk becoming victims of undisclosed Cannabis-related medical errors. According to the National Health Institute, cannabis-related medical errors "increase healthcare costs substantially including risking increase of insurance costs per person."<sup>17</sup>

**Research Findings:** Chart 1 summarises research findings from a 2016 research study by Bahamian biomedical ethicist Jamal Archer.<sup>18</sup> With a focus on obtaining local physicians' perspectives on medical errors, Archer identifies key factors affecting the country's medical error reporting and disclosure culture:

### Culture of Competitiveness

- Professional rivalries
- Competing for patients

### Different Disclosure Practices

- Patients' right to information
- Differences in disclosing minor/serious offenses

### Culture of Exposing Colleagues' Errors

### Culture of Perfectionism

**Chart 1. Factors influencing collegial discord in error disclosure culture in The Bahamas. Adapted from Archer (2019)**

This chart presents Archer's findings that poor collegiality among physicians negatively affect the reporting and disclosure of medical errors in The Bahamas.' Tenets defining physician collegiality in the country include "a culture of blame, a desire to see other physicians punished for errors, differences in accountability for patient safety, challenged professional relationships, ideals of perfectionism and individualism, and a professional competition" that prompts fear that disclosed errors will be maliciously used by colleagues to ruin one's reputation and career.<sup>19</sup> This relational disharmony and distrust influence the extent to which physicians disclose to patients known errors that occur during their treatment and care.

These results also improve international research findings that confirm inadequate focus of the Caribbean on reporting and monitoring. According to Walker, Bankay, Jankie, and Dhingra (2023), the below par quality of reporting and monitoring in the Caribbean occurs due to "a lack of awareness, commitment,



and participation of healthcare professionals, manufacturers, authorized distributors, and the general consumers.”<sup>20</sup> In agreement with Archer (2018), these findings are important because they can assist policymakers in ensuring that legislation drafts such as the impending Cannabis Bill and related effectively addresses cultural concerns related to medical errors.

In addition to establishing a separate policy to mandate the mandatory digital reporting and disclosure of errors, adjustments can be made to the impending Cannabis legislation. The following suggestions can operate as steps toward a national mandatory error reporting and disclosure policy; they will also protect the health of the public by enhancing the quality and culture of patient care and improving the collection of knowledge about the development of the country’s medical-Cannabis culture. Including explicit consideration for the medical error reporting and disclosure culture aligns with the following subsections of the Cannabis Bill, 2023 **Part 1.4. Objectives of Act** (page 4):

- (b) provide for the handling of cannabis for medical, scientific research and religious purposes;*
- (c) provide for the possession and use of cannabis for medical purposes...*
- (d) impose quality assurance measures for safety, efficacy and effectiveness;*
- (e) provide for robust monitoring of cannabis throughout all phases from cultivation to disposal;*
- (g) by controlling access to cannabis; and*
- (h) enhance public awareness of the health risks associated with cannabis use.*

Moreover, explicit requests for the mandatory disclosure of Cannabis-related medical errors can be inserted in the following sections of the current draft of the Cannabis Bill, 2023:

- **Part V.44. Medical practitioner to notify Authority of certain occurrences** (page 28)
- **Part V.45. Dispensing of medical cannabis (2)(b)** (page 29)
- **Part V.48. Report to be submitted by pharmacist** (page 30)

Making the reporting and disclosure of medical errors mandatory levels the playing field for relevant stakeholders (physicians, pharmacists, patients, institutions). It can foster standardisation of disclosure to the benefit of streamlining industry practices, advancing patient rights, and normalising mistakes and error in an effort to ‘re-humanise’ healthcare professionals. It may also aid in the dismantling of the culture of perfectionism that leads to the adoption of unhealthy behaviours by healthcare professionals.<sup>21</sup>

In addition to inserting references to medical error reporting and disclosure, a supplementary recommendation concerns inclusion of an ethicist on the Authority Board. The Board’s inclusion of an ethicist would demonstrate that the government of The Bahamas’ is strongly committed to ethical development of the country’s newest industry. Visibly deliberate and strategic commitment the bioethical tenets of autonomy (ensuring patients have the right to choose freely to the extent they are able to), non-maleficence (doing no harm), beneficence (doing good) and justice (ensuring fairness) is needed to ensure advancement of the country’s healthcare sector in an ethical way.

**Conclusion:** Table 1 presents the current position of sovereign Caribbean nations on Cannabis legalisation:



Country	Cannabis de-criminalised	(Initial) Act Name	Details
Antigua & Barbuda	Yes	The Cannabis Act, 2018	<a href="http://laws.gov.ag/wp-content/uploads/2019/03/The-Cannabis-Act-2018-No.-28-Final.pdf">http://laws.gov.ag/wp-content/uploads/2019/03/The-Cannabis-Act-2018-No.-28-Final.pdf</a>
Bahamas	No	Cannabis Bill, 2023; Dangerous Drugs (Amendment) Bill, 2023; Pharmacy (Amendment) Bill, 2023	<a href="https://www.cannabisbahamas.gov.bs/">https://www.cannabisbahamas.gov.bs/</a>
Barbados	Yes	Barbados Medicinal Cannabis Act, 2019	<a href="https://www.bmcla.bb/#:~:text=The%20medicinal%20Cannabis%20Industry%20Act,a%20valid%20form%20of%20identification.">https://www.bmcla.bb/#:~:text=The%20medicinal%20Cannabis%20Industry%20Act,a%20valid%20form%20of%20identification.</a>
Cuba	No		
Dominica	Yes	Drugs (Prevention of Misuse) Act (Amendment), 2020	<a href="https://lecannabiste.com/wp-content/uploads/2020/11/Bill_-_Drugs_Prevention_of_Misuse_Amd_Act_2020.pdf">https://lecannabiste.com/wp-content/uploads/2020/11/Bill_-_Drugs_Prevention_of_Misuse_Amd_Act_2020.pdf</a>
Dominican Republic	No		
Grenada	No	Cannabis Legalisation and Regulation Commission Established	
Haiti	No		
Jamaica	Yes	Dangerous Drug (Amendment) Act 2015	<a href="https://www.fid.gov.jm/www/wp-content/uploads/2017/09/The-Dangerous-Drugs-Amendment-Act-2015-Gazette-Fact-Sheet-Included.pdf">https://www.fid.gov.jm/www/wp-content/uploads/2017/09/The-Dangerous-Drugs-Amendment-Act-2015-Gazette-Fact-Sheet-Included.pdf</a>
Saint Kitts & Nevis	Yes	Rastafari Rights Recognition Act 2023; Medical Amendment Bill 2023; Freedom of Conscience (Cannabis) Bill 2023; Cannabis Bill 2020	<a href="https://www.sknis.gov.kn/wp-content/uploads/2020/02/Cannabis-Bill-2020-Version-2.0.pdf">https://www.sknis.gov.kn/wp-content/uploads/2020/02/Cannabis-Bill-2020-Version-2.0.pdf</a>
St Lucia	Yes	Criminal Records and Rehabilitation Amendment Bill 2021; Misuse Of Drugs Act 2021	<a href="http://www.slugovprintery.com/index.php/documents?laws=acts&amp;year=2021">http://www.slugovprintery.com/index.php/documents?laws=acts&amp;year=2021</a>
St Vincent & the Grenadines	Yes	Medicinal Cannabis Industry Act 2018	<a href="https://mca.vc/legislation/saint-vincent-and-the-grenadines-medicinal-cannabis-industry-act-2018/">https://mca.vc/legislation/saint-vincent-and-the-grenadines-medicinal-cannabis-industry-act-2018/</a>
Trinidad & Tobago	Yes	Dangerous Drugs (Amendment) Act, 2019	<a href="https://www.ttparliament.org/publication/the-dangerous-drugs-amendment-act-2019/">https://www.ttparliament.org/publication/the-dangerous-drugs-amendment-act-2019/</a>

**Table 1. summary of current legal position of sovereign Caribbean countries on Cannabis legalisation**

The country’s recently released proposed Cannabis Bill, 2023 appears comprehensive, intending to decriminalise cannabis, legalise its possession, growth, and distribution for medicinal, sacramental, and export purposes. The draft seems only to lack explicit concern for addressing broader national gaps in the country’s current patient safety quality culture. Medical error disclosure and reporting is a major cultural, economic and policy concern known to receive only limited attention across the Caribbean.<sup>22</sup> By using the Cannabis legislation to strengthen national medical error disclosure, The Bahamas will position itself as a



pioneering voice that may demonstrate wide reaching benefits for health care and patient safety in the nation and region.

**Policy Recommendation:** This policy brief makes a clarion call for the government of The Bahamas to use the impending Cannabis Bill, 2023, as an impetus to create and adopt for the country, a Mandatory (digitised) Medical Error Reporting and Disclosure policy. Beneficial implications include healthcare cost savings, avoidance of potential insurance cost increases, and the exploitation of marijuana as the gateway drug that will catapult The Bahamas into providing the high-quality public health and patient safety expected by a cutting-edge twenty-first century government.

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