Annotated Bibliography for ADR in Healthcare Malpractice

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Introduction

Alternative Dispute Resolutions (ADR) is becoming a popular method of settling disputes rather than settling in public courts. Mediation and arbitration are two methods of ADR with two very different approaches. The former is informal, and the latter is formal. The sources listed below discuss the usage of ADR, why it is preferred over litigation, the utilization of biblical principles as an ADR, and how IT has elevated as well as complicated settling disputes.

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Bellucci, E., Venkatraman, S., & Stranieri, A. (2020). Online dispute resolution in mediating EHR disputes: A case study on the impact of emotional intelligence. Behaviour & Information Technology, 39(10), 1124-1139. <https://doi.org/10.1080/0144929X.2019.1645209>

This journal article raises an interesting point about the influence of emotional intelligence while ODR/ADR, specifically mediation. The article also mentions that the application of IT to ODR can impact how decisions are made. This source is relevant to my paper because it discusses how IT supports negotiation as an ADR process, mainly as part of the computer’s role in supplying information and guidance to face to face and online talks.

Keegan, J. M. (1987). The peacemakers: Biblical conflict resolution and reconciliation as a model alternative to litigation. Missouri Journal of Dispute Resolution, 1987, 11.

This journal article discusses the utilization of spiritual principles and the biblical mandate to resolve disputes. The Christian Conciliation Service is an ADR system that resolves conflicts by prioritizing relationships between each party and God. This source will aid my paper in providing a biblical perspective.

Mathews, R. (2003). Healthcare alternative dispute resolution. The CPA Journal (1975), 73(12), 48.

This article explains the benefits as well as the appeal of utilizing an ADR in healthcare disputes. Not only is an ADR expeditious and efficient, but it also provides privacy, accessibility, low cost, etc., to both parties involved. This source is relevant to my paper because it explains the details mentioned above and will also provide insight into unique reasons why healthcare organizations should use ADR to settle their disputes.

Mazadoorian, Harry N. (2007). The Promise of ADR in Healthcare Disputes. Dispute Resolution Journal, 62(1), 17. <http://ezproxy.liberty.edu/login?qurl=https%3A%2F%2Fwww.proquest.com%2Fscholarly-journals%2Fpromise-adr-healthcare-disputes%2Fdocview%2F198105267%2Fse-2%3Faccountid%3D12085>

This journal article discusses why ADR is not the right way for healthcare organizations to resolve disputes. One conflicting opinion is that the use of ADR will benefit and favor the institutional disputant rather than the individual. This source is relevant to my paper because it discusses a different and unpopular ADR opinion. This will give my paper some dimension.

Rotarius T, & Liberman A. (2000). Health care alliances and alternative dispute resolution: managing trust and conflict. Health Care Manager, 18(3), 25–31.

This source explains that an ADR does more than settle disputes. It is a great tool used to facilitate trust between alliance partners. Trust encourages the forming of positive relationships between alliances that provide mutual benefits and accountability. With increased pressure from the marketplace and governmental forces to meet three conflicting healthcare priorities of increased access, improved quality, and lower costs, several healthcare organizations formed alliances to meet these conflicting priorities. This source is relevant to my paper because it highlights that an ADR is more than just a dispute settlement tool.

Rule, C. (2020). Online Dispute Resolution and the Future of Justice. Annual Review of Law and Social Science, 16(1), 277–292. <https://doi.org/10.1146/annurev-lawsocsci-101518-043049>

As a member of the medical information technology (IT) department, this journal article does a great job of explaining how IT is elevating the way we resolve disputes and creating new categories of disputes. This source is relevant to my paper because it will help explain the intricacies of IT regarding ADR.

Shippee, R. S. (2002). "blessed are the peacemakers": Faith-based approaches to dispute resolution. ILSA Journal of International & Comparative Law, 9(1), 237.

This journal article explores and compares several techniques and faith-based dispute resolutions of Islam, Christianity, and Judaism and their interaction with the secular legal system. Shippee even goes on to say that faith-based alternatives to the mainstream legal system are more influential than ever. This source is relevant to my paper because it will provide insight into various faith-based ADRs.

Sohn, D. H., Sohn, D. H., Sonny Bal, B., & Sonny Bal, B. (2012). Medical malpractice reform: The role of alternative dispute resolution. Clinical Orthopaedics and Related Research, 470(5), 1370-1378. <https://doi.org/10.1007/s11999-011-2206-2>

This research study suggests the increasing need for ADR in healthcare as it has a proven track record of successfully settling disputes without litigation. Additionally, this study dives deeper to discuss the two different types of ADR: mediation and arbitration. While both types are highly used, mediation claims an approximate 90% satisfaction rate amongst both plaintiff and defendant. This source is relevant to my paper because it will help support the use of ADR in healthcare, as well as the type of ADR that should be used.

Terrina LaVallee. (2020). The Ethics of Religious Arbitration. The Georgetown Journal of Legal Ethics., 33(3).

This journal article discusses the rise of arbitration, mostly religious arbitration, to resolve disputes. Islam, Christianity, and Judaism are some of the major religions that have established ecclesiastical arbitration tribunals to resolve disputes rather than public courts. This source is relevant to my paper because it provides a biblical perspective on resolving conflict.

Wang, M., Liu, G. G., Zhao, H., Butt, T., Yang, M., & Cui, Y. (2020). The role of mediation in solving medical disputes in china. BMC Health Services Research, 20(1), 225-225. <https://doi.org/10.1186/s12913-020-5044-7>

This study examined mediation practices in China and how they aided in solving medical disputes. Not only did ADR reduce the need for starting litigation, but it also boasted increased satisfaction within the healthcare system. ADR has helped build trust between the Chinese healthcare system and its patients. This source is relevant to my paper because it helps solidify the use of ADR to build trust between all parties.

Analysis

After reviewing these sources, the utilization of ADR seems to be appropriate and has several benefits. I plan to dive further into how ADR promotes trust amongst all parties.