

Health Law: Quality & Liability

Prof. Thaddeus Pope

Medical Malpractice -
Error Prevalance



Medical Error (prevalence)



Iatrogenic injuries



Injuries induced by
physician, medical
treatment, or
diagnostic procedures

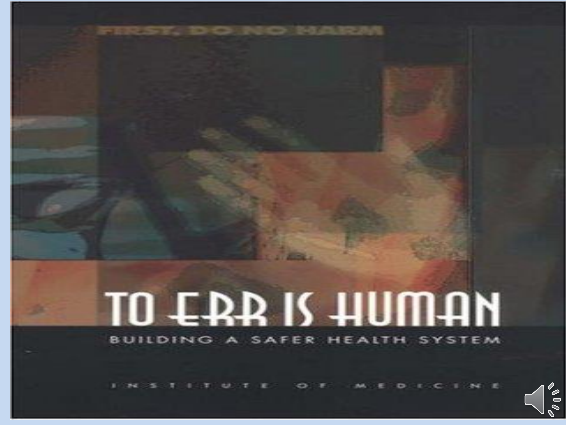


4 major reports



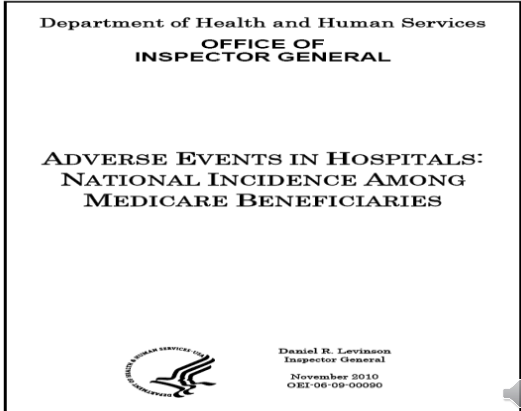
1999





98,000 deaths
each year from
preventable
medical error

2010



Injured
1.4 million

Killed
180,000

Just Medicare
beneficiaries

Just hospitals

2013



REVIEW ARTICLE

A New, Evidence-based Estimate of Patient Harms Associated with Hospital Care

John T. James, PhD



400,000

premature deaths from preventable harm to patients



2016



BMJ 2016;353:i2139 doi: 10.1136/bmj.i2139 (Published 3 May 2016)

Page 1 of 5



ANALYSIS




Medical error—the third leading cause of death in the US



250,000

but understated



Heart disease	597,689
Cancer	574,743
 COPD	138,080
Stroke	129,476
Accidents	120,859

Medical Error (types)



Saber Tehrani AS, et al. *Quality and Safety in Health Care* 2013;0:1–9. doi:10.1136/bmjqs-2012-001550

Malpractice allegation group	n (%)	Mean, US\$
Diagnosis related	100249 (28.6)	386849
Treatment related	95635 (27.2)	196960
Surgery related	84980 (24.2)	280257
Obstetrics related	22951 (6.5)	651670
Medication related	18697 (5.3)	257333
Anesthesia related	10525 (3)	419126
Monitoring related	7101 (2)	354131
Other miscellaneous	6929 (2)	176781
Equipment/product related	1872 (0.5)	128204
Intravenous and blood-products related	1080 (0.3)	294011
Behavioural health related	687 (0.1)	212494
Total	350706 (100)	313813

Malpractice Litigation (basic nature)



Goals

Deter unsafe practices

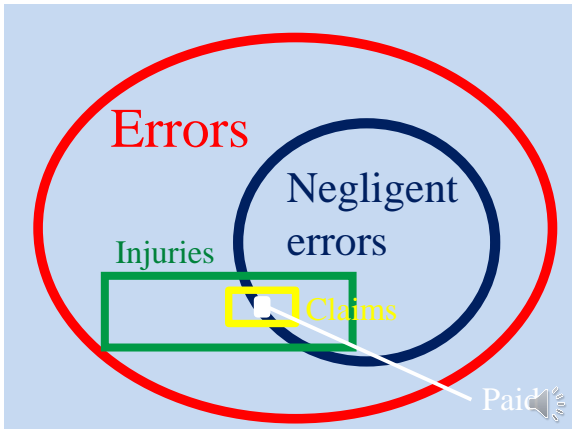
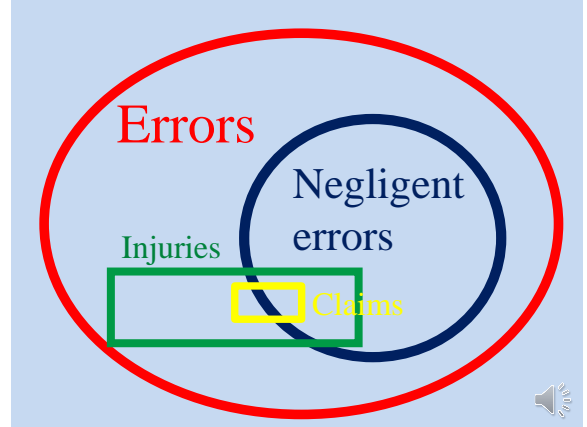
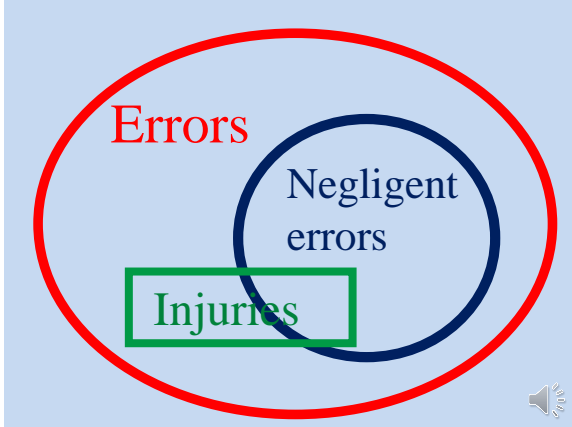
Compensate the injured



Errors

Negligent errors





100,000 patients
 4000 adverse events
 1000 from malpractice
 125 claims (only)
 60 compensation
 (+ to some of 3000 non-negligent)

60 compensated claims
 20 before lawsuit
 35 after lawsuit filed
 5 at trial (verdict)

Only claims going to trial
 weaker & MD usually win

Malpractice Litigation

(prevalence)

the DataBank

NATIONAL PRACTITIONER



12,000

paid claims
per year

