

America's medical malpractice crisis

THE REAL STORY

Medical malpractice premiums are skyrocketing, and doctors are abandoning their practices and communities throughout the nation. But the insurance industry falsely says it's because of "frivolous" lawsuits and "out-of-control" juries, and medical-care providers are only too happy to agree.

The real problem with medical malpractice is that it occurs too often. It's the eighth leading cause of death in America—killing more people than AIDS, breast cancer, or automobile accidents. Reports show that up to 98,000 patients die each year in U.S. hospitals—an average of 268 deaths per day—and many more are injured as a result of *preventable* medical errors. Preventable medical errors range anywhere from surgeons operating on the wrong side of the brain to nurses administering lethal doses of medications.

Most patients and their survivors never learn they were victimized by medical negligence. Peer review and a conspiracy of silence protect many bad and negligent doctors. There is no reason to presume the statistics have improved since a 1990 study indicated that only one of eight instances of malpractice resulted in a claim. According to another study, plaintiffs win only 26 percent of all suits that are filed and tried.

Although we want to trust doctors, we need to be wary. A West Virginia study found that just 40 doctors were responsible for more than a quarter of the 2,300 cases of medical malpractice reported to the West Virginia Board of Medicine between 1993 and 2001. A recent analysis of medical negligence records in Kentucky showed that from 1992 through 2001, only 16 percent of the state's doctors were responsible for 100 percent of the medical malpractice.

So, shouldn't the medical profession and its insurers weed out the repeat offenders? No. According to a recent study, fewer than 30 percent of doctors who had action taken against them for "substandard care, incompetence, or negligence" and for misprescribing or overprescribing drugs had to stop practicing—even temporarily.

When major medical malpractice insurer St. Paul Insurance Co. recently announced that it was getting out of the business, it blamed malpractice verdicts. The company conveniently failed to mention that its economic hardship was actually caused by poor investments—including the \$108 million it lost in the Enron collapse.

The negligence of bad doctors and the poor business decisions of selfish insurance companies are certainly not the fault of the patients whom they mistreat. Yet, as much as these doctors and insurers try to blame lawyers and others for their current troubles, it is patients suffering continuing malpractice who endure the worst punishment.