



**Americans for  
Insurance Reform**  
"PROTECTING RIGHTS, NOT WRONGS"

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Democracy)

## **THE PROBLEM WITH MEDICAL MALPRACTICE IS THE AMOUNT OF MALPRACTICE ITSELF**

There is an epidemic of medical malpractice in this country. In 1999, the National Academy of Sciences Institute of Medicine released a now famous study entitled *To Err is Human; Building a Safer Health System* (Kohn, Corrigan, Donaldson, Editors; Institute of Medicine, National Academy Press, Washington, DC, 1999). Here are the major findings:

- “At least 44,000 Americans die each year as a result of medical errors” and “the number may be as high as 98,000. Even when using the lower estimate, deaths due to medical errors exceed the number attributable to the 8<sup>th</sup> leading cause of death. More die in a given year as a result of medical errors than from motor vehicle accidents (43,458), breast cancer (42,297) or AIDS (16,516).”
- “Total national costs (lost income, lost household production, disability and health care costs) of preventable adverse events ... are estimated to be between \$17 billion and \$29 billion, of which health care costs represent over one-half.” “In 1992, the direct and indirect costs of adverse events were slightly higher than the direct and indirect costs of caring for people with HIV and AIDS.”
- “These figures offer only a very modest estimate of the magnitude of the problem.” Not included in these studies are medical errors resulting from care provided in ambulatory settings, outpatient surgical centers, physician offices and clinics, home care, retail pharmacies and nursing homes.
- “Medication errors alone (accidental poisoning by drugs, medicaments and biologicals, occurring either in or out of the hospital), are estimated to account for over 7,000 deaths annually, compared with less than 3,000 people in 1983, almost a 3-fold increase.” Generalizing the results of a prior study, “the increased hospital costs alone of preventable adverse drug events affecting inpatients are about \$2 billion for the nation as a whole.” “It has been estimated that for every dollar spent on ambulatory medications, another dollar is spent to treat new health problems caused by medications.”
- “Health care is a decade or more behind other high-risk industries [like aviation] in its attention to ensure basic safety.” “The likelihood of dying per domestic jet flight is estimated to be one in eight million. Statistically, the average passenger would have to fly around the clock for more than 438 years before being involved in a fatal crash. ...Some believe that public concern about airline safety, in response to the impact of news stories, has played an important role in the dramatic improvement in safety in the airline industry.” By comparison, “Americans have a very limited understanding of health care safety issues.”

## Other studies confirm the Institute of Medicine findings.

- **HealthGrades.**
  - In July 2004, HealthGrades, a health care quality rating agency, released a study, based on Medicare data from all fifty states, estimating that an average of 195,000 people a year died from preventable medical errors in U.S. hospitals in 2000, 2001, and 2002. Health Grades Quality Study, Patient Safety in American Hospitals. 2004.
  
- **Agency for Healthcare Research and Quality.**
  - The federal government's Agency for Healthcare Research and Quality found that 18 categories of medical errors, such as postoperative infections, accidental reopening of surgical wounds, and medical objects left inside patients, result in 32,500 hospital deaths, cost \$9.3 billion in additional hospital charges, and lead to over 2.4 million extra days spent in hospitals. Julie Bell, "Study of Medical Errors Puts Tentative Price Tag on Impact: Hospital Charges Alone Boosted \$9.3 Billion a Year," *Baltimore Sun*, Oct. 8, 2003.
  - The study, published in the *Journal of the American Medical Association*, found that even these figures greatly underestimate the problem since many medical complications were not analyzed for this study. Lindsey Tanner, Associated Press, "Preventable Complications Cost More Than \$9 Billion," *Deseret News*, Oct. 8, 2003.
  - Dr. Chunliu Zhan, study's lead researcher, said, "The message here is that medical injuries can have a devastating impact on the health care system." Press Release, Agency for Healthcare Research and Quality, *Injuries in Hospitals Pose a Significant Threat to Patients and a Substantial Increase in Health Care Costs*, Oct. 7, 2003.
  
- **Kaiser Family Foundation.**
  - A November, 2004 poll found that 34 percent of the American public say that they or a close family member have experienced a preventable medical error. Of those, only 11 percent report they or their family member sued the health care professional or institution. 70 percent of those who have experienced a medical error said that their doctor did not tell them a mistake had been made. Kaiser Family Foundation, "National Survey on Consumers' Experiences With Patient Safety and Quality Information," 2004.
  
- **Survey: White Wall of Silence.**
  - A recent survey found, "[e]ighty percent of U.S. doctors and half of nurses surveyed said they had seen colleagues make mistakes, but only 10 percent ever spoke up." Moreover, "fifty percent of nurses said they have colleagues who appear incompetent" and "[e]ighty-four percent of physicians and 62 percent of nurses and other clinical care providers have seen co-workers taking shortcuts that could be dangerous to patients." Doctors and nurses do not talk about these problems because "people fear confrontation, lack time or feel it is not their job." "Survey: 80 percent of doctors witness mistakes; But only 10 percent report errors or poor judgment," *Reuters*, January 26, 2005.