

MYTHBUSTER

THE SEVEN MOST IMPORTANT THINGS TO KNOW ABOUT MEDICAL MALPRACTICE

1. **Insurance industry profits are going through the roof** and not a single doctors' group has demanded any accountability from, or reforms of, the insurance industry for its excessive price-gouging of doctors.
<http://centerjd.org/profits.pdf>, <http://www.insurance-reform.org/pr/AIRProfit.pdf>
2. **It has been proven repeatedly that “caps” and other “tort reforms” do not work.** States that have enacted so-called “tort reform” have only seen their insurance rates *continue to shoot up* after passing severe liability limits. In fact, doctors from at least three of the nine states represented at the national news conference scheduled for February 10 - Ohio, Missouri and Texas - and two out of seven states being targeted for media campaigns - Nevada and Florida - all have severe caps and in each case, insurers have continued to *increase insurance rates*.
<http://www.insurance-reform.org/pr/AIRCaps%20then%20Rate%20Hikes.pdf>;
http://weissratings.com/News/Ins_General/20030602pc.htm; <http://www.weissratings.com/malpractice.asp>
3. **Lawsuits are not limiting access to health care.** The U.S. General Accounting Office found, after an extensive investigation, that doctors' groups have misled, fabricated evidence, or, at the very least, wildly overstated their case about how malpractice insurance problems have limited access to health care. The only health care access problems that GAO could confirm were isolated and the result of factors having nothing at all to do with the legal system.
<http://www.gao.gov/new.items/d03836.pdf>; <http://centerjd.org/GAOAMAltr.pdf>
4. **Medical malpractice costs are a tiny percentage of overall health care expenditures.** Medical malpractice insurance and claims costs represent, at most, only 2 percent of overall health care spending in this country, according to both the Congressional Budget Office and the General Accounting Office.
<http://www.factcheck.org/article.aspx?docID=133>; <http://www.insurance-reform.org/pr/AIRhealthcosts.pdf>. *See also*, http://www.insurance-reform.org/pr/Tillinghast_Overstates.pdf
5. **Medical malpractice lawsuit filings, payouts and jury verdicts are all dropping.** According to the National Center for State Courts (NCSC), “the 1992 to 2001 trend in

medical malpractice filings per 100,000 population has only fluctuated minimally, with an overall 1 percent decrease in per capita filings.”

http://www.ncsconline.org/D_Research/csp/2002_Files/2002_Tort_Contract.pdf

- Total medical malpractice payouts dropped 6.9 percent from 2001 to 2002 according to a National Practitioner Data Bank (NPDB) analysis by Public Citizen. http://citizen.org/documents/NPDB_Data.pdf
- Jury verdicts in medical malpractice cases are stagnant, even according to Jury Verdict Research data, which tends to over-inflate award trends. http://www.juryverdictresearch.com/Press_Room/Press_releases/Verdict_study/verdict_study2.html

6. **Most malpractice is caused by a small number of doctors who are never sanctioned.**

Nothing is being done to crack down on the 5 percent of doctors (1 out of 20) that are responsible for 54 percent of malpractice payouts.

<http://www.publiccitizen.org/congress/civjus/medmal/articles.cfm?ID=9125>;

<http://www.questionabledoctors.org/>

7. **Medical malpractice is continuing at epidemic proportions in this country.** In 1999, the Institute of Medicine, part of the National Academy of Sciences, found that medical errors cause between 44,000 and 98,000 deaths in hospitals each year. Even when using the lower estimate, deaths due to medical errors exceed the number attributable to the 8th 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).

<http://www.nap.edu/openbook/0309068371/html/>

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