

## June/July 2004 President's Column

### Epidemic

by R. Christian Hulburt

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A group of doctors in Texas launched a website earlier this year called DoctorsKnow.Us. Its stated purpose was to list names of all patients who file medical malpractice lawsuits. A subscribing physician, clinic, or hospital could run the name of a patient through the site's database to determine whether to accept or reject the patient. The site would have no details about the patient's claim, whether it was righteous or dubious, successful or dismissed, but was expressly intended to "protect" the health care provider from the litigious patient.

Twice, Harvard Medical School has published studies in the *New England Journal of Medicine* concluding that at least 100,000 people are killed each year in American hospitals as a result of medical malpractice. One author of the study observed that the deaths are the equivalent of a commercial airliner jet crash every day. The studies report that another 400,000 patients suffer non-fatal injury each year from malpractice in hospitals, and that does not include the injuries or death caused by malpractice each day in medical offices around the country. Other studies reveal that very few of the innocent survivors of medical negligence ever receive compensation for their losses. Nationwide, less than 25% of malpractice victims ever bring a claim. Less than 15% ever receive any compensation.

Imagine if planes full of passengers were crashing every day because of their operator's negligence. The country would be talking about little else. The President would be holding press conferences. Congress would be taking testimony from CEOs of every major airliner. Regulators would be drafting new rules to protect the public. The public would demand immediate improvements and accountability for past failures.

Instead of daily plane crashes, we have an epidemic of medical negligence in America and the patients are being blamed. The President is holding press conferences, but he is blaming the patients and their advocates for their own injuries. Leaders of the medical industry are testifying, but they are fighting to restrict their patient's rights to receive compensation for their injuries. Doctors are coming together to change the system, but they are creating databases to blacklist patients who have the courage to stand up and hold them accountable.

Where is the website for the patients? Where does a patient go to learn about her doctor who has settled numerous lawsuits secretly with confidentiality agreements? Where does a patient go to learn whether his hospital is properly equipped or staffed or sterilized to care for

him or her safely? The California Medical Board website is a joke. Its disclosures are rarely current and almost always incomplete. The national database of all settlements and judgments is accessible only by the medical industry and its insurers.