

“Medical Liability Issues: Where Malpractice Claims Come
From and How to Survive Them”

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1. Physicians in high-risk areas and high-risk specialties often are not being renewed.
2. Premiums in Texas are up 25-70% this year.
3. Physicians who are dropped may have never been sued.
4. Access to some types of care is being limited.
5. Recruiting new physicians to some areas is difficult.
6. The number of claims is up and size of awards is up.
7. Cost of defense is \$55,000 per claim
8. In 1991, 70% of the claims were closed without any payment, and 86% of the claims closed in 2000 – no payment.
9. Public perception of many medical errors, poor policing of bad doctors and suspicion re managed care.
10. Ob-Gyn, Internal Medicine and Pediatrics highest (~40%).
11. \$15M Awards, \$12.5M Settlements, \$6M Defense – System 2001.
12. Most common allegations:
 - Procedure not or improperly performed -- 65%
 - Failure to diagnose or error in diagnosis -- 19%
 - Failure to instruct or communicate information -- 6%
 - Medication error -- 5%
 - Procedure performed when not indicated -- 4%
13. Average indemnity paid has ↑ from \$153,000 (1998) to \$211,000 (2001)
14. Average cost of defense has ↑ from \$40,000 (1991) to \$55,000 (2001)
15. Median jury award has ↑ from \$700,000 (1999) to \$1,000,000 (2000)
16. Median lawsuit settlement in 2000 was \$500,000
17. Rapport, Take the Time, Do It Right, Document It.
18. All claims are reported to the Texas State Board of Medical Examiners
19. Physicians who are sued suffer physically and emotionally (guilt, question their ability, less tolerant of uncertainty)
20. The stress impacts their families and their colleagues.
21. Assume a problem-solving rather than emotional response.
22. Avoid isolation, avoid perceiving it as a personal attack.