

## Medical Malpractice Law in the United States

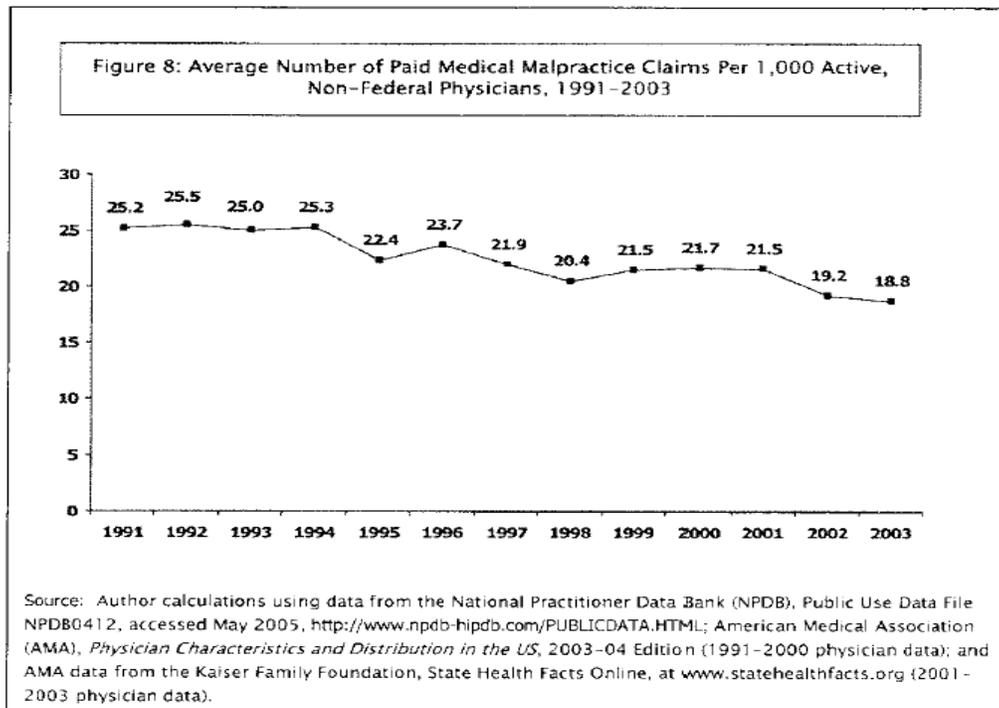
The Kaiser Family Foundation recently published a comprehensive article written by Peter P. Budetti, M.D., J.D., the Edward and Helen T. Bartlett Foundation Professor of Public Health, Chair, Department of Health Administration and Policy, College of Public Health, University of Oklahoma Health Sciences Center, and co-author Teresa M. Waters, Associate Professor, Department of Preventive Medicine, Associate Director, Center for Health Services Research, University of Tennessee Health Science Center.

The medically favorable organization developed some interesting data not previously recognized.

Between 1992 and 2003, the estimated number of U.S. non-federal physicians rose from 623,378 to 814,909, which is an increase of approximately 31 percent. This is according to the American Medical Association, which typically lowballs the figures. The Foundation concluded that given the average number of claims paid “rose only modestly over the period, the increase in the number of physicians means that the average number of claims per physician in the U.S. fell relatively steadily over the period.”

In other words, in spite of the increase in preventable patient safety errors the number of claims per physician has fallen steadily. Robert Crawford from the School of Public Health, University of North Carolina, Chapel Hill, noted that preventable medical errors are the equivalent of two Asian tsunamis every year in the United States, or two 747’s per month crashing with all lives aboard lost. Dr. Crawford has exhorted physicians around the country to recognize the catastrophe of medical errors.

The average number of paid medical malpractice claims per 1,000 active non-federal physicians between 1991 and 2003 has dropped from 25.2 in 1991 to 18.8 in 2003. If federally employed physicians were included, and this is a big number, the drop in rates would even be more significant.



Adjusting the total medical malpractice payments for general inflation, and adjusting for medical care inflation, the average annual increase is just 1.7 percent. This information is drawn from the National Practitioner Data Bank, Public Use Data File, and is inflation-adjusted using Consumer Price Index, All Urban Consumers, for All Items, and for Medical Care Services from the Bureau of Labor & Statistics.

The Henry J. Kaiser Family Foundation has been a leader in calling attention to the high cost of preventable patient errors. Study after study has demonstrated that one of the largest components of America's health care bills are the costs of fixing up preventable errors. This information is consistent with that developed by Pennsylvania's Patient Safety Authority, which showed that in only six months there were almost 71,000 serious events and incidents, many of those caused by infections. The cost of dealing with preventable infections is extraordinarily high because of the unconscionable cost of antibiotic therapy. Pharmaceutical companies wax rich, while patient errors increase. Likewise, few people resort to the courts, as demonstrated by the fact that in Pennsylvania, for all of 2004, there were approximately 1,800 medical malpractice cases filed, which includes double counting because of multiple party complaints and multiple claims against the same physician. In Pennsylvania alone this represents less than 1 percent of people suing who are victims of preventable medical errors during the course of the year in the Commonwealth.

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