

Addendum to the Report on Medical Malpractice Reform

10/15/2014

Director of Health Care Reform

Since this report was submitted, the Journal of American Medical Association Internal Medicine published a study on defensive medicine. This study illustrates the complexity of the issue of defensive medicine, medical malpractice reform, and physicians' attitudes and adds to the literature review provided to the general assembly in the Medical Malpractice Reforms Report and Proposal of the Secretary of Administration submitted in 2012.

The study aimed to determine whether tort reform would reduce the practice of defensive medicine and added health care costs. Defensive medicine that is performed solely to avoid liability adds unnecessary cost to the system. In the study, providers at three different hospitals determined what portion of their previous day's orders was attributable to defensive medicine on a scale of 0 (not at all defensive) to 4 (completely defensive). The study found that while 13% of costs were judged to be at least partially defensive, only 2.9% of costs were done solely as a practice of defensive medicine. These findings suggest "that only a small portion of medical costs might be reduced by tort reform." Furthermore, the study found that physicians who wrote the most defensive orders actually spent less than those who wrote fewer defensive orders. The study concludes that "physicians' attitudes about defensive medicine [do] not correlate with cost." [20]

20 Rothberg MB, Class J, Bishop TF, Friderici J, Kleppel R, Lindenauer PK. The Cost of Defensive Medicine on 3 Hospital Medicine Services. JAMA Intern Med. Published online September 15, 2014.