

Medical Malpractice: A Multi-pronged Approach is Required

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Dear Sir,

I am writing in response to the editor's timely commentary piece 'Medical Malpractice: Paying Twice for Patient Care'.

Clinical improvements including staff retention and training, infrastructure investment, appropriate equipment improvements, and bringing IT up to date should reduce adverse events in healthcare, and hence, litigation costs. However, this may not be enough to curb the trends toward rising claim awards and increased legal bills. Indeed, the editor acknowledges that 'the rising malpractice costs over the past decade are due to three factors, 45% are due to the rise in claims, 34% are due to the rise in damages awarded, and 21% are due to a rise in claimants' legal costs.' Reducing clinical errors is only one piece of this puzzle; unfortunately, some adverse outcomes are inevitable in healthcare¹.

Individual damages awards are increasing yearly, in a manner described as 'unsustainable'². The cost of settling a claim increases as time goes on³. The lack of an efficient and timely system for dealing with medical negligence claims is adding to the financial burden. It also prolongs stress and disruption for claimants and healthcare professionals.

The recent adoption of guidelines on personal injury awards is expected to significantly reduce claims and associated legal costs⁴. In my opinion, a review of medical negligence claims should follow urgently, to examine whether similar reforms would be beneficial.

Yours sincerely,

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References:

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