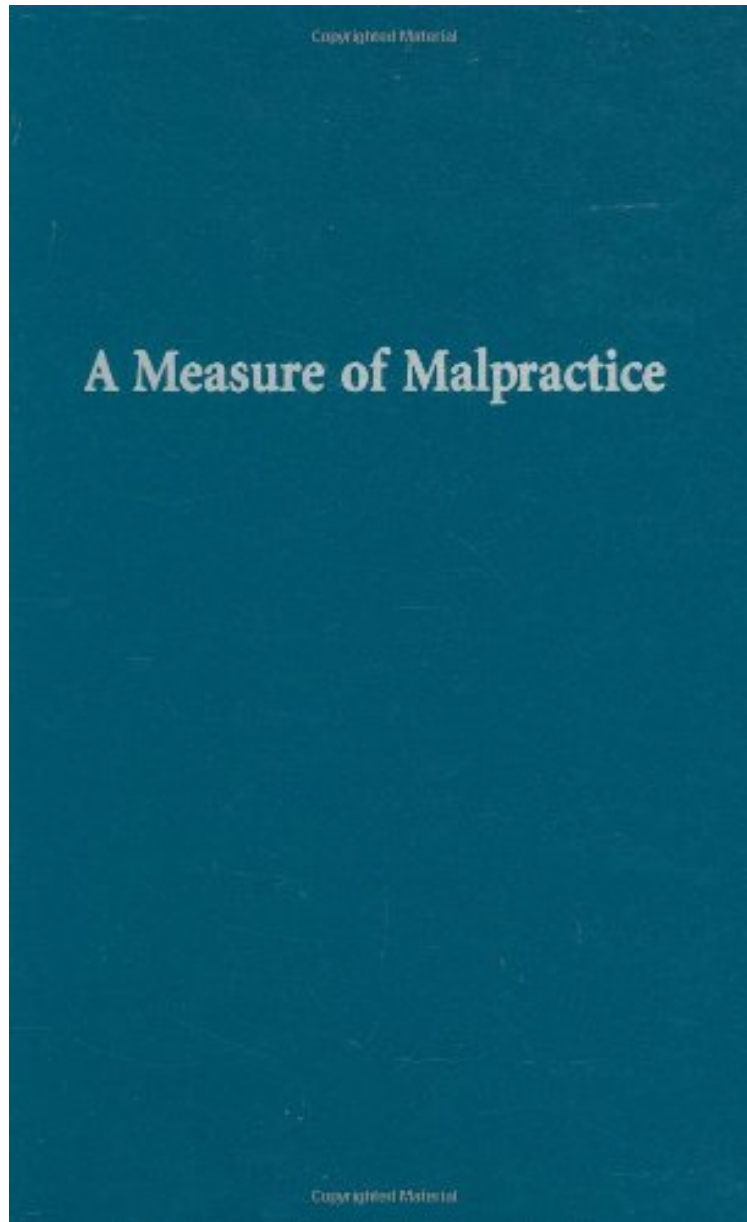


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A Measure of Malpractice: Medical Injury, Malpractice Litigation, and Patient Compensation

Paul C. Weiler, Howard Hiatt, Joseph P. Newhouse, William G. Johnson, Troyen Brennan, Lucian Leape
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Paul C. Weiler, Howard Hiatt, Joseph P. Newhouse, William G. Johnson, Troyen Brennan, Lucian Leape : A Measure of Malpractice: Medical Injury, Malpractice Litigation, and Patient Compensation before purchasing it in order to gage whether or not it would be worth my time, and all praised A Measure of Malpractice: Medical

Injury, Malpractice Litigation, and Patient Compensation:

1 of 1 people found the following review helpful. The empirical research that tort law needsBy W H van BoomFor me as a European law professor this - admittedly somewhat outdated book - was very helpful in many respects: it showed me how thorough research on the tort process and its shortcomings is performed and it also convinced me that medical malpractice is quite different from say automobile accidents as far as the role of tort law is concerned. I think that this is a good book to read for anyone studying the tort process and evaluating the arguments for and against alternative patient insurance arrangements. I was a bit disappointed by the final chapter ('Ruminations for the future'), because the policy statements and suggestions for reform in that chapter are in my opinion not really firmly backed by the empirical evidence of the previous chapters.

A Measure of Malpractice tells the story and presents the results of the Harvard Medical Practice Study, the largest and most comprehensive investigation ever undertaken of the performance of the medical malpractice system. The Harvard study was commissioned by the government of New York in 1986, in the midst of a malpractice crisis that had driven insurance premiums for surgeons and obstetricians in New York City to nearly \$200,000 a year. The Harvard-based team of doctors, lawyers, economists, and statisticians set out to investigate what was actually happening to patients in hospitals and to doctors in courtrooms, launching a far more informed debate about the future of medical liability in the 1990s. Careful analysis of the medical records of 30,000 patients hospitalized in 1984 showed that approximately one in twenty-five patients suffered a disabling medical injury, one quarter of these as a result of the negligence of a doctor or other provider. After assembling all the malpractice claims filed in New York State since 1975, the authors found that just one in eight patients who had been victims of negligence actually filed a malpractice claim, and more than two-thirds of these claims were filed by the wrong patients. The study team then interviewed injured patients in the sample to discover the actual financial loss they had experienced: the key finding was that for roughly the same dollar amount now being spent on a tort system that compensates only a handful of victims, it would be possible to fund comprehensive disability insurance for all patients significantly disabled by a medical accident. The authors, who came to the project from very different perspectives about the present malpractice system, are now in agreement about the value of a new model of medical liability. Rather than merely tinker with the current system which fixes primary legal responsibility on individual doctors who can be proved medically negligent- legislatures should encourage health care organizations to take responsibility for the financial losses of all patients injured in their care.

Undoubtedly this decade's most important book about medical negligence, *A Measure of Malpractice* provides a welcome antidote to the mythology and disinformation that has permeated most policy debate on the subject. This terse report, dense in data but not in style, summarizes in surprising detail the monumental work of the Harvard Medical Practice Study--distilling into one slender book the observations and analysis reported in fuller but more fragmentary form in various earlier publications. It should be required reading for every participant in the health care reform effort. (Thomas A. Parrino *Annals of Internal Medicine*) This is a remarkable piece of research which ought to be picked up by anyone with an interest in tort and its effectiveness as a remedy for personal injuries. In cutting through so much of the hyperbole around medical negligence litigation, it might also provoke us to explore further the neglected question of the origins and nature of this moral panic. (Robert Dingwall *International Journal of the Sociology of Law*) About the Author Paul C. Weiler is Henry J. Friendly Professor of Law at Harvard University. Joseph P. Newhouse is the John D. MacArthur Professor of Health Policy and Management, Harvard University.