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## **New Study Finds Doctors' Fear of Lawsuits Is Often Irrational and Misplaced**

One reason the medical industry keeps pushing for lawsuit "reforms" is that if it's harder for patients to sue doctors for malpractice, doctors will then practice less "defensive medicine" and that will save a lot of money with fewer unnecessary tests and treatments. Turns out that theory doesn't match reality.

One main reason, according to a new study funded by the Robert Wood Johnson Foundation, is that doctors have a high fear of lawsuits even in jurisdictions where

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most of the fear of litigation has been removed by legislative action. And therefore so-called tort reforms carry little bang for the buck in saving health care dollars -- since they don't affect physician behavior.

The researchers ranked objective lawsuit risk by the rate of claims actually paid and by the insurance premiums paid by doctors, on a state-by-state basis. They found that doctors in low-risk states had almost the same levels of anxiety about lawsuits as those in high-risk states, even when the objective risk was three-fold different.

The researchers concluded, according to a release from the University of Iowa where the study originated:

Overall, the study suggests that current tort reform efforts aimed at reducing malpractice risk would be relatively ineffective in alleviating physicians' concern about lawsuits and therefore may not alter defensive medicine practices.

More information is at the U of Iowa website [here](#).

Here's a real irony: Other recent studies of actual risk of malpractice events at hospitals find that patients experience preventable harms from medical error at an alarming rate.

For example, a major study of ten hospitals in North Carolina finds a one-in-four chance of being hurt by medical care, a rate that hasn't improved in the ten years since a landmark study said that 100,000 Americans were killed by malpractice and medical error each year.

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The study, published in November in the nation's leading medical journal, the New England Journal of Medicine, looked at 2,300 randomly chosen admissions in the ten hospitals. North Carolina was chosen for the study because it has a high rate of participation in hospital safety efforts.

But the results were discouraging. One in four hospital admissions included harm to the patient due to medical care, and two out of three of those harms were judged to be preventable. (Read the [whole study here](#).)

All of which suggests that a more effective way to solve the malpractice problem would be to make hospitals safer places. Then the irrational fear of lawsuits by doctors would go away because patients wouldn't be harmed so often.

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