

NEW MEXICO INJURY ATTORNEY BLOG

PUBLISHED BY
COLLINS & COLLINS, P.C.
ATTORNEYS AT LAW

November 8, 2010

[Continued Push for Liability Caps Despite Widespread Medical Errors and Decline in Medical Malpractice Claims](#)

Research under the direction of Dr. Philip Stahel, M.D., a surgeon at Denver Health Medical Center, illustrates the magnitude and prevalence of major medical errors. Dr. Stahel and his colleagues analyzed 27,370 medical records drawn from a [medical malpractice](#) insurance company's database.

The insurance company from which the data was taken provides insurance for 6000 Colorado doctors. Though the data covered only Colorado medical providers, the findings are consistent with other studies on the issue of medical malpractice.

The study focused primarily on major or catastrophic medical errors defined as patient and/or surgical site mix-ups. The study found that these catastrophic errors constitute .05% of total medical errors. Dr. Stahel stated that the actual numbers are likely much higher.

The report from Dr. Stahel is reported by [CNN Health](#) and on [Health.com](#). The CNN Report also quotes Peter Pronovost, MD, professor at Johns Hopkins University School of Medicine in Baltimore, who stated that 98,000 patients die each year in hospitals as a result of medical error and many more suffer lesser preventable harm. Health.com reports one study found that a random sampling of 100 hospital charts would on average find 40 errors.

Though the 98,000 figure relates to hospital deaths, many medical errors (up to one third) result from medical procedures conducted in the doctor's offices. In addition, many major operating room mistakes result from pre-surgical testing errors in the imaging and diagnostic procedures.

In short, medical error and medical malpractice is a very real problem. Not only is it a real problem, it is a pervasive problem potentially affecting each and every patient receiving medical care. This raises the question of why each and every election cycle comes with renewed attacks on trial lawyers and injured patients.

DISCLAIMER

Main Office:
400 Gold Ave. SW
Suite 500
Albuquerque, NM 87102
(505) 242-5958

<http://www.newmexicoinjuryattorneyblog.com/>

The insurance industry which is well aware of these numbers continues to lobby for caps on liability for medical malpractice. They do this as they continue to raise the malpractice insurance rates on doctors. They do this despite the fact that medical malpractice claims have declined significantly in recent years. The report from Dr. Stahel found that only 22% of the major medical errors found in his study resulted in lawsuits.

The bottom line is that patients harmed by undeniable medical error are barred from compensation while Doctors continue to pay skyrocketing medical malpractice insurance rates on claims that are rarely made. The insurance industry has successfully created a [Medical Malpractice Myth](#) that harms both patients and doctors. The insurance industry profits at the expense of both injured patients and doctors, crying foul all the way to the bank.

DISCLAIMER

**Main Office:
400 Gold Ave. SW
Suite 500
Albuquerque, NM 87102
(505) 242-5958**

<http://www.newmexicoinjuryattorneyblog.com/>