

NEW MEXICO INJURY ATTORNEY BLOG

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Failure to Detect and Report Medical Errors Jeopardizes Patient Safety

Studies have shown that the vast majority of medical errors go unreported. This is the case despite laws requiring the reporting of medical errors. The laws are intended to improve patient care while reducing the huge number of medical errors that occur each and every day in hospitals throughout the country.

The laws were drafted with the intent of identifying and reducing medical errors through reporting requirements on doctors, nurses and staff. By identifying the medical errors, remedial action to avoid future similar errors is possible.

Unfortunately, there appears to be a disconnect in the medical community. A study from the U.S. Department of Health and Human Services suggest that 93 percent of *serious medical errors* go undetected. The report is generous in its explanation for reporting failures. In fact, it seems near impossible that 93 percent of serious medical errors would go undetected in the absence of professional incompetence on an astronomical scale. Instead, the errors go unreported.

There is little enforcement of the reporting requirements even in the 27 states that require it. There is little oversight and little funding to enforce the reporting requirements. In addition, it is apparently rather easy to redefine an error to escape reporting requirements. As reported by the *Seattle Post-Intelligencer*, this appears to have been the case of Gary William Clezie. Mr. Clezie went in for a simple arthroscopic shoulder surgery. A medication error during surgery led to Mr. Clezie's death. Rather than report the medication error, Yakima Regional Medical & Cardiac Center dodged the reporting requirement because Mr. Clezie died not within 24 hours of surgery but 2 days later. The 24 hour threshold apparently took the error outside the reporting requirements.

Most are sympathetic to the difficult jobs that doctors and nurses do. In fact, most are willing to accept the reasonable and known risks of surgery and medical care generally. This is made evident by the piles of disclaimers and disclosures the hospitals now require prior to undergoing surgery. However, are these risks really known, acceptable, and voluntarily accepted by a patient and the patient's family when it appears that the great majority of medical errors are concealed from the public?

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Despite the well accepted fact of rampant medical errors in hospitals and other medical facilities, and the fact that reporting laws are routinely ignored when 93% of medical errors go unreported, there remains those that seek to end the rights of injured patients to compensation for medical negligence.

These groups argue that there is a medical malpractice crisis despite the fact that it is estimated that only 1.3% of medical negligence claims ever reach a successful verdict. They argue this despite the fact that up to 98,000 patients die each year as a result of medical error. They argue this despite the fact that the number of medical malpractice lawsuits has declined tremendously over the last 10 years. They argue this despite the harm that medical errors do to the patients and their families. They argue this to shift the burdens of these errors to the patient, the family and ultimately to the taxpayers.

Most of all, they argue this to protect the profits of insurance companies. And as these groups scramble to protect the insurance industry, patients like Mr. Clezie continue to die as a result of simple and avoidable medical error. After all, when only 1.3% of medical malpractice claims end in a successful verdict, a simple insurance industry profit analysis would dictate hiding rather than correcting the mistakes.

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