Dear Readership,

Medscape recently published its 2015 “Why Most Doctors Get Sued” report. As I clicked on the link in my email, I held my breath in anticipation of a report confirming what I already knew: Dermatologists get sued more than other specialties. As the slideshow loaded, I reviewed the anatomy of Erb’s point in my mind.

When it finished loading, I saw that 47% of all doctors had been named in a lawsuit during their careers. Okay… that’s bittersweet. Should we be relieved that there would be kindred spirits, or alarmed that there is a coin-toss chance of being sued?

At the next slide, I let out a sigh of relief. Dermatology was not in the list of the top seven specialties sued: OBs (85%), Surgery (83%), Orthopedics (79%), Radiology (72%), Anesthesiology (58%), IM/FM (46%), and Oncology (34%). If we’re below Oncology, I thought, we’re down to a one-in-three shot, at worst.

As the report continued, I was drawn in to find out the reasons why physicians were sued, and what effect it had on them. I continued to read, but with a different attitude… what could I be doing differently or better in order to avoid harm or potential harm to my patients? “Failure to diagnose” was the leading cause of suits (31%). “Poor documentation” and “consent” issues together made up about 10% of suits.

Then, I got worried again. More than 50% of responders had reported that the threat of malpractice influenced their care. Almost all responders reported that there are flaws in the way suits are handled in our legal system, with lack of peer review for merit. Seventy percent were surprised when they were sued; they weren’t expecting it. Most reported more than 100 hours in preparation, court, and trial-related meetings, and almost half the suits lasted longer than three years. More than half of responders stated that the long-term term emotional and financial effects were severely disruptive.

Then things got a little brighter. About half of all cases were dismissed. Of the suits that were not settled before trial, only about 3% went against the physician. More than half the physicians who were sued stated that they would not have changed a thing in their care. More than half of the monetary awards for all cases were $0. Eighty-one percent of responders felt that saying “I’m sorry” would not have helped the outcome.

I went to bed ambivalent-to-slightly-relieved. When I woke up the next morning, I knew I could shift my focus back to prior authorizations, step-therapy, and automated 1-800 insurance operators.

Yours,

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