



## About 40% of Malpractice Suits Are Groundless, Study Concludes

About 40% of the medical malpractice cases filed in the U.S. are groundless, according to a Harvard analysis of the hotly debated issue that pits trial lawyers against doctors, with lawmakers in the middle.

Many of the lawsuits analyzed contained no evidence that a medical error was committed or that the patient suffered any injury, the researchers reported.

The vast majority of those dubious cases were dismissed with no payout to the patient. However, groundless lawsuits still accounted for 15% of the money paid out in settlements or verdicts.

The study's lead researcher, David Studdert of the Harvard School of Public Health, said the findings challenge the view among tort reform supporters that the legal system is riddled with frivolous claims that lead to exorbitant payouts.

"We found the system did reasonably well in sorting the good claims from the bad ones, but there were problems," he said.

However, the American Medical Association, which favors caps on malpractice awards, called the study proof that a substantial number of merit-less claims continue to slip through the cracks, "clogging the courts" and forcing doctors to waste time defending them, association board member Dr. Cecil Wilson said in a statement.

The findings were published in Thursday's *New England Journal of Medicine*.

The study found 3% of claims analyzed were filed by patients who had no injury. Of the claims that involved injuries, two-thirds were caused by medical error. But the remaining injury claims, or 37%, lacked evidence of a medical mistake, and most of those -- 72% -- were thrown out or otherwise resolved without a payout to the patient.

Altogether, the Harvard researchers reviewed 1,452 malpractice claims randomly selected from five insurance companies. The cases were resolved -- meaning they ended in a verdict, a settlement or a dismissal -- between 1984 and 2004. The claims resulted in a combined \$449 million in verdicts and settlements.

*Source: Associated Press*

### *Avian Flu Preparations Continued from page 9...*

- Assemble a travel health kit containing basic first aid and medical supplies. Be sure to include a thermometer and alcohol-based hand gel for hand hygiene.
- Identify in-country health-care resources in advance of your trip.
- Check your health insurance plan or get additional insurance that covers medical evacuation in case you become sick.
- Avoid all direct contact with poultry, including touching well-appearing, sick, or dead chickens and ducks. Avoid places such as poultry farms and bird markets where live poultry are raised or kept, and avoid handling surfaces contaminated with poultry feces or secretions.
- As with other infectious illnesses, one of the most important preventive practices is careful and frequent hand washing. Cleaning your hands often with soap and water removes potentially infectious material from your skin and helps prevent disease transmission. Waterless alcohol-based hand gels may be used when soap is not available and hands are not visibly soiled.
- All foods from poultry, including eggs and poultry blood should be cooked thoroughly. Egg yolks should not be runny or liquid. Because influenza viruses are destroyed by heat, the cooking temperature for poultry meat should be 74°C (165°F)
- After your return, monitor your health for 10 days.
- Do not travel while ill, unless you are seeking medical care. Limiting contact with others as much as possible can help prevent the spread of an infectious illness.

For more information World Health Organization avian influenza website at [http://www.who.int/csr/disease/avian\\_influenza/en/](http://www.who.int/csr/disease/avian_influenza/en/).

Sources: [www.cdc.gov/flu/avian/index.htm](http://www.cdc.gov/flu/avian/index.htm), *The New York Times*, *St. Petersburg Times*, *Berkeley Daily Planet*