

## Study finds no correlation between harsher medical liability laws and improved patient care

Despite claims by the trial lawyers, the threat of a lawsuit or a higher damage award has little to no association with improved healthcare quality and patient safety. The absence of a correlation was the key finding in a recently published study in the Journal of the American Medical Association entitled “Malpractice Liability and Health Care Quality.” The authors found no consistent relationship with patient outcomes in states with harsher tort laws.

Michelle Mello and her fellow authors reached their conclusion by doing a statistical analysis that combined the results of 37 studies addressing primarily the same question. Specifically, does the threat of being sued and having to pay damages have any bearing on the quality of healthcare and patient safety in the U.S?

Twenty-eight of the studies examined hospital care only, and 16 focused on obstetrical care. Most of the studies analyzed inpatient care.

The authors concluded that adopting more stringent medical liability laws may not be effective in preventing substandard care.

The tort liability system exists to compensate injured patients who sustain injury from negligence, provide corrective justice, and deter malpractice. Deterrence, in theory, occurs because clinicians know that they may be punished for injuring a patient.

The authors relied on multiple databases for studies published between 1990 and November 2019. Exposure measures included physicians’ medical liability insurance premiums, state tort reforms, frequency of paid claims, and average claim payment. Studies also included physicians’ claims history, total payouts, jury awards, laws that provided immunity from liability, and a geographic practice cost index developed by the Centers for Medicare & Medicaid Services. Additional points of study included patient mortality, hospital readmissions, avoidable admissions, and prolonged length of stay.

In a related commentary, University of Texas School of Law professor William Sage opined that physicians have many incentives to practice quality medicine. “They care about their patients, enjoy mastering their field, appreciate their autonomy and want to help their health care organizations or teams. They also value their reputations,” he said.

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