

## System Errors Contribute to 30 Percent of Settled Malpractice Claims, According to New Claims Analysis by The Doctors Company

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Medical Writers/Business Editors/Insurance Writers

NAPA, Calif.--(BUSINESS WIRE)--December 12, 2007--In an effort to determine what impact health system errors have on medical malpractice claims, The Doctors Company, the nation's leading physician-owned medical malpractice insurer, conducted a closed claims analysis and found that system errors contributed to 30 percent of settled claims.

According to The Doctors Company's analysis of 2 of 363 closed settled claims from 2004 to 2006, the most common type of system errors included: medication-related errors (32 percent), communication errors (27 percent), healthcare-associated infections (18 percent), medical record errors (13 percent), and identification errors (wrong-site surgery) (5 percent).

Organizations leading the patient safety movement, such as the National Patient Safety Foundation, are working to eliminate the five types of system errors listed above, which together account for 95 percent of the total system errors in The Doctors Company's analysis.

System errors in association with professional negligence account for a significant number of settled claims, therefore we should focus on the most common types of system errors, as well as the complex interactions between healthcare professionals and the systems within which they provide care to help improve the healthcare system, said David B. Troxel, MD, medical director of The Doctors Company.

Our findings confirm that the goals of leading patient safety organizations are focused on the right strategies to help improve the patient outcomes, said Richard E. Anderson, MD, FACP, chairman and CEO of The Doctors Company and a board member of the National Patient Safety Foundation. The Doctors Company is committed to improving the quality of care by providing our members with outstanding patient safety and risk management tools to advance the practice of good medicine.

The data also showed that internal medicine, family practice, and psychiatry represent nearly half of all medication-related errors. Medication monitoring (43 percent) and dosage errors (26 percent) account for 69 percent of medication-related errors. And, of the medication monitoring errors, one-third involved the failure to properly monitor Coumadin.

Other key findings:

Sixty-three percent of the closed claims were due to provider error, 29 percent of claims included both provider and system error, while only 1 percent was due only to system errors. Additionally, 7 percent of claims showed neither professional negligence nor system errors.

More than one-third (35 percent) of errors involving the medical record resulted from the absence of a written informed consent. Another 35 percent were associated with medication-related errors.

Of the 34 total obstetrical claims, 26 percent involved non-timely performance of a C-section. Communication errors also accounted for two-thirds of obstetric system errors and 18 percent of total obstetrical claims overall. An additional 18 percent of obstetrical claims resulted from shoulder dystocia.

Orthopedics represented 11 percent of total claims. Of these claims, 40 percent involved surgical site infections.

Orthopedics and plastic surgery together accounted for 63 percent of claims involving surgical site infections.

Psychiatry represented 5 percent of total claims.

As the leading physician-owned professional liability insurance company in the U.S., our claims represent a sample of all medical malpractice claims and errors throughout the healthcare system. We believe that malpractice claims are a valuable source of information on preventable medical errors and that public disclosure of this data will contribute to the advancement of patient safety, said Dr. Troxel.

#### *About The Doctors Company*

Founded by doctors for doctors in 1976 to advance, protect, and reward the practice of good medicine, The Doctors Company ([www.thedoctors.com](http://www.thedoctors.com)) is the nation's leading physician-owned medical malpractice insurer. With \$2.2 billion in assets, 32,000 physician members nationwide, and A- ratings by A.M. Best Company and Fitch Ratings, The Doctors Company enjoys a reputation as the industry vanguard.

1 System errors were classified as one of the following in the analysis: (1) medication-related error, (2) communication error, (3) healthcare-associated infection, (4) medical record error, or (5) identification error (wrong-site surgery).

2 A total of 363 consecutive closed claims from January 2004 to January 2006 that settled with indemnity payments between \$100,000 and \$500,000 were reviewed.

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