

New Paper Debunks Malpractice Myths

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Washington, DC—As enemies of health care reform spread lies and mistruths about medical negligence, a new white paper tackles the issue head-on, debunking the most common myths with sound science and research while refuting the hyperbole and empty rhetoric.

Five Myths About Medical Negligence, one in a series of reports from the American Association for Justice on this issue, examines the errors and faults behind the most commonly used talking points of health care reform opponents.

- **Myth #1: There are too many “frivolous” malpractice lawsuits.**
Fact: There's an epidemic of medical negligence, not lawsuits. Only one in eight people injured by medical negligence ever file suit. Civil filings have declined eight percent over the last decade, and are less than one percent of the whole civil docket. A 2006 Harvard study found that 97 percent of claims were meritorious, stating, “portraits of a malpractice system that is stricken with frivolous litigation are overblown.”
- **Myth #2: Malpractice claims drive up health care costs.**
Fact: According to the National Association of Insurance Commissioners, the total spent defending claims and compensating victims of medical negligence was just 0.3% of health care costs, and the Congressional Budget Office and Government Accountability Office have made similar findings.
- **Myth #3: Doctors are fleeing.**
Fact: Then where are they going? According to the American Medical Association's own data, the number of practicing physicians in the United States has been growing steadily for decades. Not only are there more doctors, but the number of doctors is increasing faster than population growth. Despite the cries of physicians fleeing multiple states, the number of physicians increased in every state, and only four states saw growth slower than population growth; these four states all have medical malpractice caps.
- **Myth #4: Malpractice claims drive up doctors' premiums.**
Fact: Empirical research has found that there is little correlation between malpractice payouts and malpractice premiums paid by doctors. A study of the leading medical malpractice insurance companies' financial statements by former Missouri Insurance Commissioner Jay Angoff found that these insurers artificially raised doctors' premiums and misled the public about the nature of medical negligence claims. A previous AAJ report on malpractice insurers found they had earnings higher than 99% of Fortune 500 companies.
- **Myth #5: Tort reform will lower insurance rates.**
Fact: Tort reforms are passed under the guise that they will lower physicians' liability premiums. This does not happen. While insurers do pay out less money when damages awards are capped, they do not pass the savings along to doctors by lowering premiums. Even the most ardent tort reformers have been caught stating that tort reform will have no effect on insurance rates.

“All the facts and evidence show that tort law changes will do practically nothing to lower costs or cover the uninsured,” said AAJ President Anthony Tarricone. “It's no wonder the tort reformers, insurance lobby, and other corporate front groups have to gin up lies and phony stats, since no legitimate data or research supports their claims. Our focus should be on reducing the 98,000 deaths by medical error that occurs every year, not limiting patients' legal rights.”

As part of its ongoing series on the topic, AAJ earlier released *Medical Negligence: A Primer for the Nation's Health Care Debate*, *The Truth About “Defensive Medicine,”* and *The Insurance Hoax: How Doctors and Patients Pay for the Huge Earnings of Medical Malpractice Insurers*. These can be located at www.justice.org/medicalnegligence. *Five Myths About Medical Negligence* can be found directly at: [www.justice.org/clips/Five Myths About Medical Negligence.pdf](http://www.justice.org/clips/Five_Myths_About_Medical_Negligence.pdf).

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