

Medical Malpractice Reform - Myths and Realities

As the healthcare debate continues, these are some key points to keep in mind regarding medical malpractice reform: Medical malpractice is about real people, with real injuries. The Institute of Medicine estimates that 98,000 people die each year in the US from preventable medical errors. And, this number does not even include the countless other people who are injured by medical errors. Rather than reforming the legal system that provides protections to these injured patients, we must focus on reforming the medical system in this country to prevent these errors from ever happening in the first place.

Americans should not have to give up rights, in order to gain the right to healthcare. President Obama has repeatedly stated that in America, healthcare is a right. Likewise, Americans should not have to relinquish their constitutionally protected 7th Amendment rights in order to gain access to quality healthcare. Patients' rights are not a bargaining chip.

Health courts would be an expensive, bureaucratic nightmare. They would exchange a patient's constitutional right to a jury trial for a schedule of pre-determined outcomes that would be handed out by judges more interested in appeasing special interests than rendering justice to the injured patients standing before them. And health courts would not protect patients from wrongdoers, but instead, would shield doctors and hospitals from accountability for their careless, harmful acts. Health courts truly are an unfair proposition for patients.

Practice Guidelines should not create immunity for negligence. Giving doctors immunity for complying with guidelines is an idea at odds with the fundamental principle of practice guidelines which has always been to improve patient quality by giving doctors some type of guidance when making decisions based on sound medical expert research. Practice guidelines were never intended to be stringent, inflexible rules for doctors to follow in exchange for legal immunity. SOURCE: Anthony Tarricone - President, American Association of Justice and the Institute of Medicine