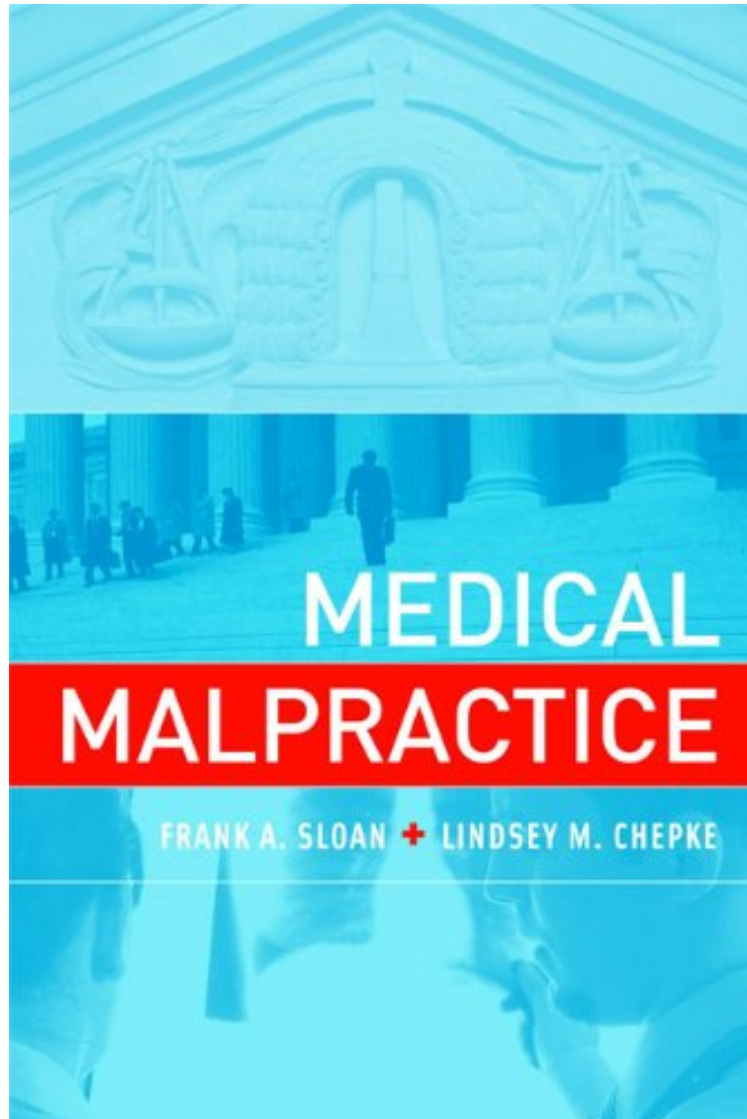


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Medical Malpractice (MIT Press)

Frank A. Sloan, Lindsey M. Chepke
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Frank A. Sloan, Lindsey M. Chepke : Medical Malpractice (MIT Press) before purchasing it in order to gage whether or not it would be worth my time, and all praised Medical Malpractice (MIT Press):

2 of 2 people found the following review helpful. A fair overview of medical malpracticeBy GrueThis is a good book on the United States' medical malpractice system. It summarizes hundreds of studies and academic articles in a readable way. The book briefly touches on the concerns and viewpoints of each the main participants in this complicated system: doctors, hospitals, patients, lawyers, insurers, and reinsurers.Sloan and Chepke evaluate the arguments of each side fairly. For instance, they disagree with hospital and doctors associations and show that there is

not an "epidemic" of medical litigation which is causing health care costs to skyrocket; they also show that the number of claims does not dwarf the number legitimate iatrogenic injuries. However, the authors also admit that the system is too irrational---bad doctors don't get sued significantly less than good doctors, and there is little evidence that the medical system has improved patient safety. One really nice aspect of the book is that they provide a useful framework and distinctions for evaluating many claims and arguments. For instance, they point out that "defensive" medicine isn't necessarily bad---we should distinguish positive (which helps patients and is worth the cost) and defensive (harmful or unnecessary) defensive medicine. As for their suggested reforms, I personally agree with their suggestion that greater experience rating and insurance purchasing at the hospital level should help. However, I think they are overly optimistic about government intervention in reinsurance markets would be productive---the authors underestimate the difficulties of predicting the insurance cycle and the amount of politics that would be involved in setting adequate rates.

0 of 0 people found the following review helpful. Excellent
By Pen Name
Very well written, easy to read and well organized. It provides an overall picture of medical malpractice, evaluating the most relevant tort reforms and other alternatives.

13 of 13 people found the following review helpful. Interesting
By R. Albin
A good book on a contentious topic. Written by an experienced health care economist and an attorney, the authors attempt to provide a broad perspective on medical malpractice. Sloan and Chepke agree that there are serious problems with medical malpractice, but not the problems generally discussed in most public forums. The intermittent public attention paid to this issue is driven often by intermittent malpractice 'crises' in which insurers withdraw from markets, premiums escalate sharply, and there is fear of consequent physician withdrawal from states with sharply rising premiums. A common popular perception of these crises is that they are driven by excessive tort litigation and awards. In fact, there is little evidence for this explanation and recurrent malpractice insurance crises apparently have their roots in other phenomena, notably cyclical features of the insurance industry. Another common public point of discussion is that malpractice litigation is a significant contributor to rising health care costs. The available evidence, however, suggests that malpractice torts have at best a modest effect on health care costs. Where Sloan and Chepke see major problems with malpractice torts is their apparent failure to have an impact on the high rate of serious medical errors in the USA. In addition, the data cited by Sloan and Chepke indicates that the tort system does a poor and inefficient job of compensating individuals injured through negligence. Sloan and Chepke discuss the first generation of tort reforms which are mainly caps on awards. The major effects of these reforms has been indeed to reduce awards, claims, and insurance premiums with the primary beneficiaries being physicians and insurers. It appears that first generation reforms are a stereotypical example of successful interest group lobbying of state legislatures with modest general public benefits. Much of the book is a systematic discussion of proposed reforms including such topics as alternative dispute resolution, specialized health courts, no-fault procedures, and a number of others. These discussions are generally thorough, contain nice summaries of the usually limited evidence, and discouraging in the sense that Sloan and Chepke demonstrate the uncertainties that any proposed reforms will work and point out the pragmatic political obstacles to most of these proposed reforms. Sloan and Chepke conclude with a chapter proposing a series of modest reforms, particularly focused on making hospitals or hospital systems the focus on malpractice litigation in the hope that this will produce incentives to improve patient safety. This is reasonable and approaches like the one proposed are used by some academic hospital systems where physicians are employees. Sloan and Chepke may make a couple of errors. As they point out, the tort system does a poor job of identifying and compensating meritorious claims. At the same time, a lot of claims pursued do lack merit. But this irrational element is one of the things that physicians most dislike about the present system. While the tort system may not be the 'lottery' claimed by many critics, its irrational enough to be worrisome to health care providers. There is also some recent evidence that some forms of torts do reduce medical errors. Nonetheless, Sloan and Chepke's analysis is convincing and their modest suggestions for reform quite reasonable.

A comprehensive analysis of medical malpractice from legal, medical, economic, and insurance perspectives that considers why past efforts at reform have not worked and offers recommendations for realistic, achievable policy changes. Most experts would agree that the current medical malpractice system in the United States does not work effectively either to compensate victims fairly or prevent injuries caused by medical errors. Policy responses to a series of medical malpractice crises have not resulted in effective reform and have not altered the fundamental incentives of the stakeholders. In *Medical Malpractice*, economist Frank Sloan and lawyer Lindsey Chepke examine the U.S. medical malpractice process from legal, medical, economic, and insurance perspectives, analyze past efforts at reform, and offer realistic, achievable policy recommendations. They review the considerable empirical evidence in a balanced fashion and assess objectively what works in the current system and what does not. Sloan and Chepke argue that the complexity of medical malpractice stems largely from the interaction of the four discrete markets that determine outcomes -- legal, medical malpractice insurance, medical care, and government activity. After describing what the evidence shows about the functioning of medical malpractice, types of defensive medicine, and the effects of past reforms, they examine such topics as scheduling damages as an alternative to flat caps, jury behavior, health courts, incentives to prevent medical errors, insurance regulation, reinsurance, no-fault insurance, and suggestions for future

reforms. *Medical Malpractice* is the most comprehensive treatment of malpractice available, integrating findings from several different areas of research and describing them accessibly in nontechnical language. It will be an essential reference for anyone interested in medical malpractice.

This is top-flight work. I expect this book will be a watershed in the literature of medical malpractice. I have seen nothing so capacious nor so well done. (Edward A. Dauer, Dean Emeritus, and Professor of Law, Sturm College of Law, University of Denver) Frank Sloan and Lindsey Chepke have written an outstanding book on medical malpractice. Their comprehensive and clear-headed analysis sifts carefully through what we know and don't know about the workings of the system. The discussion of liability insurance markets and insurance regulation is particularly impressive, and surely stands as the finest analysis of these issues to date. *Medical Malpractice* should be essential reading for doctors, lawyers, policymakers, and managers of health care institutions and professional indemnity companies. Patients with a special interest in the topic will find the book more accessible than previous treatments of the topic. The book will help all of these stakeholders sort fact and evidence from the myth and exaggeration that too often poison debate in this area. (David Studdert, Professor and Federation Fellow, Faculty of Law, and Faculty of Medicine, Dentistry and Health Sciences, University of Melbourne) Controversy over the modern medical malpractice system has raged ever since the first malpractice crisis took place in 1975, but it is only during the past few years that empirical studies have generated the data that are necessary to produce an accurate understanding of how the system works. Frank Sloan and Lindsey Chepke pull these data into a comprehensive picture in this book, and unlike many other commentators, they do so with commendable objectivity...it is a scholarly masterpiece and is easily the definitive work on its subject. (Maxwell J. Mehlman *New England Journal of Medicine*)... *Medical Malpractice* certainly will be of interest not only to medical and legal policy makers but to physicians interested in this oftentimes most personal of topics. For some in the medical community much of the research and many of the conclusions may prove difficult to accept, but by explaining and expounding on a perceived medical malpractice crisis, Sloan and Chepke just might help slowly change that perception. (Alan G. Williams *Journal of American Medical Association*) About the Author Lindsey M. Chepke, an attorney, is a Research Associate at the Center for Health Policy at Duke University.