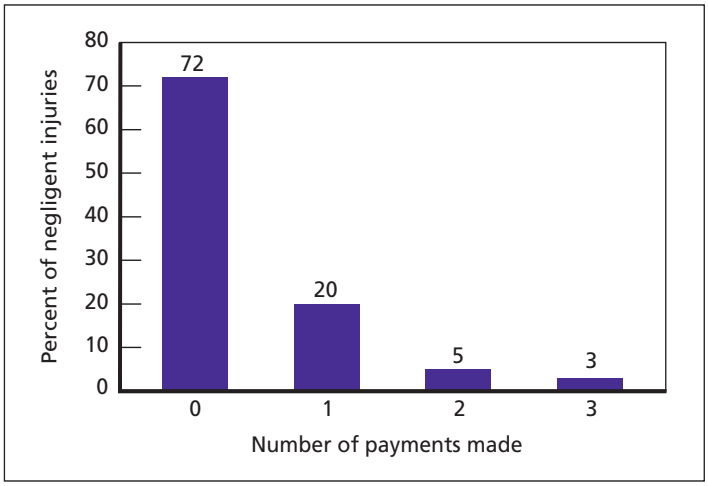
Do Policies That Target Physicians Who Make Medical Malpractice Payments Reduce Negligent Injuries?

Some states use physicians' histories of medical malpractice payments to try to reduce the incidence of medical malpractice (i.e., negligent medical care that causes injury). At least two types of policies fall into this category: using payment histories to decide which physicians will be investigated, and possibly sanctioned, by the state medical board; and making information about individual physicians and their payment histories available to the public. This study was the first to offer quantitative analysis of the potential effects of these policies. It found that neither policy would substantially reduce the incidence of malpractice. This is because the medical malpractice system does not accurately identify and extract compensation from physicians who injure their patients through negligence.

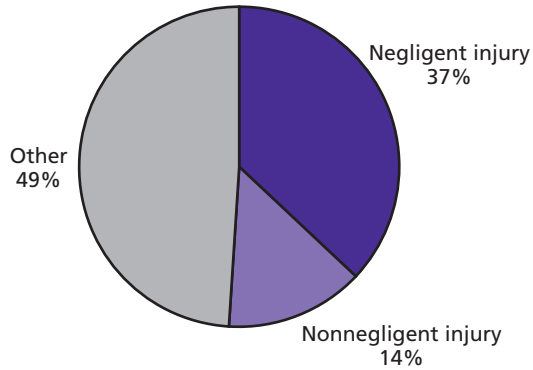
Highlights

- Over four years, doctors who make no malpractice payments cause almost three-quarters of negligent injuries; this greatly limits the potential of policies focused on physicians making payments.
- There is only about a 37-percent chance that a medical episode leading to a payment actually involved medical malpractice.
- Neither of the policy options assessed would be effective in reducing negligent injury.
  - At best, targeting those who make payments would reduce the incidence of medical malpractice by less than 0.25 percent.
  - Providing consumer information about physicians' medical malpractice payments would have a trivial effect on reducing negligent injuries.

Nonpaying Physicians Cause 72% of Negligent Injuries



Outcomes of Medical Interactions



NOTE: Other outcomes include good medical outcomes, bad outcomes that are not attributable to medical care, and injuries that are so minor that filing a claim is not economical.

This fact sheet is part of the RAND Corporation research brief series. RAND fact sheets summarize published, peer-reviewed documents.

Corporate Headquarters
1776 Main Street
P.O. Box 2138
Santa Monica, California
90407-2138
TEL 310.393.0411
FAX 310.393.4818

© RAND 2007

This fact sheet is based on work sponsored by the RAND Institute for Civil Justice and documented in "Reducing Medical Malpractice by Targeting Physicians Making Medical Malpractice Payments," *Journal of Empirical Legal Studies*, Vol. 4, No. 1, March 2007, pp. 185–222, by John L. Adams and Steven Garber. The RAND Corporation is a nonprofit research organization providing objective analysis and effective solutions that address the challenges facing the public and private sectors around the world. RAND's publications do not necessarily reflect the opinions of its research clients and sponsors. **RAND**® is a registered trademark.

RAND Offices
Santa Monica, CA • Washington, DC • Pittsburgh, PA • Jackson, MS • Cambridge, UK • Doha, QA

RB-9280 (2007)

INSTITUTE FOR CIVIL JUSTICE

THE ARTS
CHILD POLICY
CIVIL JUSTICE
EDUCATION
ENERGY AND ENVIRONMENT
HEALTH AND HEALTH CARE
INTERNATIONAL AFFAIRS
NATIONAL SECURITY
POPULATION AND AGING
PUBLIC SAFETY
SCIENCE AND TECHNOLOGY
SUBSTANCE ABUSE
TERRORISM AND HOMELAND SECURITY
TRANSPORTATION AND INFRASTRUCTURE
WORKFORCE AND WORKPLACE

This PDF document was made available from www.rand.org as a public service of the RAND Corporation.

This product is part of the RAND Corporation research brief series. RAND research briefs present policy-oriented summaries of individual published, peer-reviewed documents or of a body of published work.

The RAND Corporation is a nonprofit research organization providing objective analysis and effective solutions that address the challenges facing the public and private sectors around the world.

Support RAND

Browse Books & Publications

Make a charitable contribution

For More Information

Visit RAND at www.rand.org

Explore RAND Institute for Civil Justice

View document details

Limited Electronic Distribution Rights

This document and trademark(s) contained herein are protected by law as indicated in a notice appearing later in this work. This electronic representation of RAND intellectual property is provided for non-commercial use only. Unauthorized posting of RAND PDFs to a non-RAND Web site is prohibited. RAND PDFs are protected under copyright law. Permission is required from RAND to reproduce, or reuse in another form, any of our research documents for commercial use. For information on reprint and linking permissions, please see RAND Permissions.