

## Most Doctors Report Fear of Malpractice Liability Has Harmed Their Ability to Provide Quality Care

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*Caused Them to Order Unnecessary Tests, Provide Unnecessary Treatment and Make Unnecessary Referrals*

*Most nurses and hospital administrators confirm these adverse effects of fear of liability*

An overwhelming majority of practicing physicians believes that their concerns about malpractice liability have harmed their ability to provide quality care and have caused them to order unnecessary tests and make unnecessary referrals. Almost all physicians believe that unnecessary or excessive care is provided because of the fear of liability, and this belief is corroborated by most nurses and hospital administrators. Furthermore, large majorities of doctors, nurses and hospital administrators believe that these extra tests, referrals and procedures contribute in a significant way to health care costs.

These are some of the results of a representative, nationwide survey of 300 physicians, 100 hospital-based nurses and 100 hospital administrators, who were interviewed between March 4th and 20th, 2002. This research was conducted by Harris Interactive for Common Good, a newly formed bipartisan coalition.

### Impact of Liability Concerns on Testing, Treatment and Referrals

Large numbers of physicians report that fear of malpractice liability causes them to provide unnecessary and inappropriate care:

- 79% say they order unnecessary tests;
- 74% say they make unnecessary referrals;
- 51% say they suggest unnecessary biopsies;
- 41% say they prescribe unnecessary antibiotics.

**TABLE 1**

**“Do concerns about malpractice liability ever cause you to...?”**

Base: All practicing physicians

		Physicians	
		Yes	No
Order more tests than you would based only on professional judgment of what is medically needed	%	79	21
Prescribe more medications such as antibiotics than you would based only on professional judgment of what is medically needed	%	41	59
Refer patients to specialists more often than you would based only on professional judgment	%	74	26
Suggest invasive procedures such as biopsies to confirm diagnoses more often than you would based solely on professional judgment	%	51	49

### ♦ EDITORS ♦

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## Impact of Fear of Liability on Off-Duty Doctors Helping Injured People

Most physicians (56%) say they know other doctors who are reluctant to help an injured person off-duty because of fear of liability. And 33% know of a specific situation where a doctor did not volunteer to help.

**TABLE 2**

**“Do you have personal knowledge of...?”**

Base: All practicing physicians

		Physicians	
		Yes	No
Physicians who hesitate or are reluctant to help an injured person when off-duty because of fear of liability	%	56	44
A situation in which a physician did not volunteer to help in such a situation	%	33	67

## Impact of Concerns about Malpractice on Ability to Provide Quality Care

Fully 76% of physicians, 63% of hospital administrators and 41% of nurses report that their concerns about malpractice litigation have hurt their own ability to provide quality patient care.

**TABLE 3**

**“In recent years, has each of the following helped, hurt or not made a difference in your ability to provide quality patient care?”**

Concern about malpractice litigation

	Doctors %	Nurses %	Hospital Administrators %
Hurt	76	41	63
Helped	4	6	6
No difference	21	51	30

## Unnecessary/Excessive Care Provided Because of Fear of Liability

Almost all physicians (94%), most nurses (66%) and hospital administrators (84%) believe that unnecessary or excessive care is sometimes (or more often) provided because of the fear of medical liability. And many physicians (38%), but fewer nurses (18%) and hospital administrators (20%) believe this happens “very often.”

**TABLE 4**

**“Based on your experience, how often do you think unnecessary or excessive care is provided because of the fear of medical liability?”**

	Doctors %	Nurses %	Hospital Administrators %
Very often	38	18	20
Sometimes	56	48	64
Rarely	5	30	13
Never	*	2	2
Not sure	-	2	1

### Do Extra Tests, Referrals and Procedures Increase Costs?

Almost all physicians (94%), most nurses (79%) and most hospital administrators (88%) believe that the extra tests, referrals and procedures resulting from the fear of liability contribute in a significant way to health care costs.

**TABLE 5**

**“Do you think such extra tests, referrals or procedures contribute in a significant way to health care costs?”**

Base: Ever look for health care information online

	Doctors %	Nurses %	Hospital Administrators %
Yes	94	79	88
No	6	18	10
Not sure/refused	-	3	2

### Methodology

The survey consisted of interviews with 500 medical professionals, including 300 physicians, 100 hospital administrators, and 100 registered nurses nationwide. The interviews were conducted by telephone as well as online, averaged 15 minutes in length and took place between March 4 and March 20, 2002.

In theory, with a randomly chosen sample of this size, one could say with 95 percent certainty that the results have a statistical precision of approximately (+/- 5) percentage points for the physician sample and (+/- 10) percentage points for the hospital administrator and nurses samples of what they would be if the entire population had been polled. There are several other possible sources of error in all polls or surveys that are probably more serious than theoretical calculations of sampling error. These potential sources of error include question wording and question order, non-response, and screening (e.g. for likely voters). It is difficult or impossible to quantify the errors that may result from these factors, so the words “margin of error” should be avoided when reporting all survey data.

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