

## Torkin Manes LegalPoint

MEDICAL MALPRACTICE

MAY 2016





**Barbara A. MacFarlane**Partner, Medical Malpractice

PHONE 416 360 4730

## **EMAIL**

bmac far lane @tork in manes.com

Barbara is a partner of the firm and head of our Medical Malpractice and Personal Injury Groups, with a civil litigation practice focused on catastrophic injury and fatalities. Her cases include wrongful death, motor vehicle accidents, product liability and complex medical negligence cases.

Medical error is the third leading cause of death in the United States, behind heart disease and cancer, according to a recent study published by Drs. Makary and Daniel at John Hopkins. It is estimated at least 251,454 Americans die due to medical errors every year. The study goes on to say that medical error leading to patient death is underrecognized in many other countries, including UK and Canada. The failure of recognition seems to relate to how these deaths are recorded, or an inability of reporting systems to capture medical errors. For example, the cause of death listed on a death certificate may state cardiac arrest. However, the medical mistake that led to the cardiac arrest is not noted.

The authors urge greater awareness to create preventative measures, and say:

Although we cannot eliminate human error, we can better measure the problem to design safer systems mitigating its frequency, visibility, and consequences...Currently, deaths caused by errors are

unmeasured and discussions about prevention occur in limited and confidential forums, such as a hospital's internal root cause analysis committee or a department's morbidity and mortality conference. These forums review only a fraction of detected adverse events and the lessons learnt are not disseminated beyond the institution or department.

Transparency about medical mistakes, can save lives: "More appropriate recognition of the role of medical error in patient death could heighten awareness and guide both collaborations and capital investments in research and prevention" the authors say.

## **Survey Summary Points**

- Death certificates in the US, used to compile national statistics, have no facility for acknowledging medical error
- If medical error was a disease, it would rank as the third leading cause of death in the US

 The system for measuring national vital statistics should be revised to facilitate better understanding of deaths due to medical care

A full copy of the survey appears in the *British Medical Journal* (*The BMJ*).

As a medical malpractice lawyer practising in this area for the past 17 years, I can attest to the long-

standing issues with transparency regarding medical errors. When a loved one dies or suffers from complications due to medical error, family members often don't have access to information about the full circumstances behind the situation. Not only are these events emotionally devastating, they can also be financially crippling. Full accountability for medical mistakes

is necessary for the system to be changed and improved, so that these events can be prevented in the future. Sometimes the only way to get access to that information is through the legal system.

If you or someone you love has suffered a medical injury, we are experienced medical malpractice trial lawyers and we can help.