

WHY WE NEED THE CIVIL JUSTICE SYSTEM: HEALTH CARE

Medical Errors

As many as 98,000 people die every year in hospitals from preventable medical errors at a cost of up to \$29 billion. The civil justice system has served as a valuable deterrent to malpractice and a powerful motivator for patient safety.

Hospital-Acquired Infection

Dickson Clark became infected with the lethal bacterium MRSA after back surgery in Nevada in 2005. The infection led to four years of hospitalizations and surgeries, and then a second superbug infection. Clark died in 2010. Two million hospital patients acquire infections each year, and as many as 90,000 die. In response to civil actions, hospitals have introduced mandatory hand washing programs and other hygiene initiatives.

Negligence

Arturo Iturralde's surgeon was in a hurry to complete his spinal surgery, only to discover the titanium rods were not in the operating room. Rather than wait for replacements to be delivered, he instead cut up a screwdriver and inserted the stainless steel pieces into Iturralde's spine. The screwdriver broke and Arturo later died. It was revealed that Arturo's surgeon had a history of drug addiction and malpractice. More than half of all instances of medical negligence are caused by the same five percent of doctors. Medical negligence lawsuits are the only way to identify serially negligent physicians like Arturo's.

Item Inventories

Florida judge Nelson Bailey was in excruciating pain following abdominal surgery. For five months following the operation, he endured repeated trips to the doctor and numerous tests until the source was revealed: a surgical sponge measuring a foot square had been left in his abdomen and rotted part of his intestines. As many as 1,500 sponges and surgical instruments are left inside patients after surgery every year. In response to medical negligence lawsuits, hospitals now often take a complete inventory before and after operations to ensure no items are missing.



Pharmaceuticals

When three-month-old Gage Stevens suffered from heartburn and diarrhea, a specialist recommended the anti-heartburn drug Propulsid. Gage died from a cardiac arrhythmia — a heartbeat anomaly — and a side effect of the drug known to its manufacturer, Johnson & Johnson. Three hundred people died from Propulsid while its makers reaped over \$1 billion in profits. Litigation highlighted Propulsid's problems, and the drug was eventually pulled from shelves.

Anesthesiology

In response to lawsuits, anesthesiologists undertook a comprehensive analysis of common errors. Today, the numbers of anesthesiology errors has been cut in half, and anesthesiologists pay far lower insurance premiums than before the analysis took place.

Medication Errors

Each year, 1.5 million preventable adverse drug events occur and as many as 7,000 people die. Many hospitals and pharmacies now use computerized prescriptions and bar-coding equipment to decrease the chance of a medication error.

Wrong-Site Surgery

After suffering a fall at home, 87-year-old Ivory Andrews entered a hospital to have hip surgery. Her surgeon inserted a metal pin and a stabilizing plate, but did so in the wrong hip. The formerly healthy hip became infected, and Andrews was forced to spend the next 45 days in hospital. Approximately 40 wrong-site surgeries occur every week in the U.S. Now, many operating teams use pre-operative checklists to minimize the chance of a mistake.