A Review of Medical Malpractice Claims from the CRICO Comparative Benchmarking System

(CBS: a national database of medical malpractice claims from captive & commercial insurers across the US)

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Data Source: CRICO Comparative Benchmark System

Participating organizations from across the US submit their medical malpractice cases for coding & analysis of
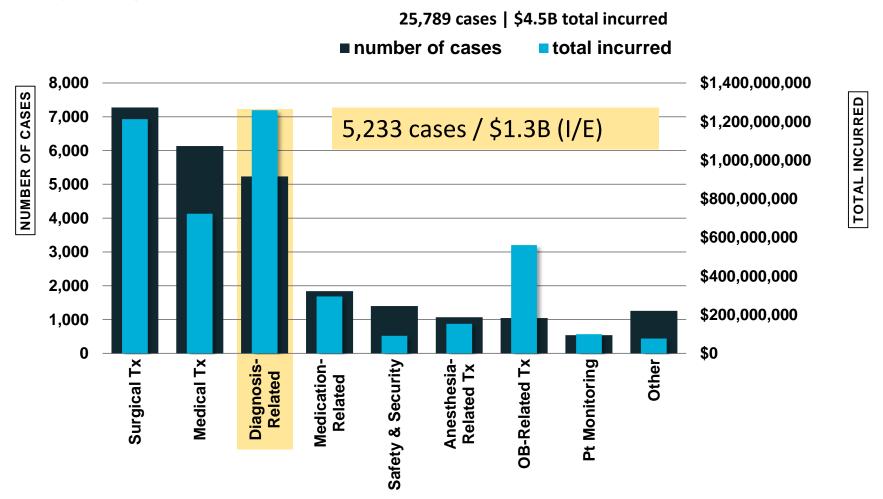- Claims Files
- Medical Records

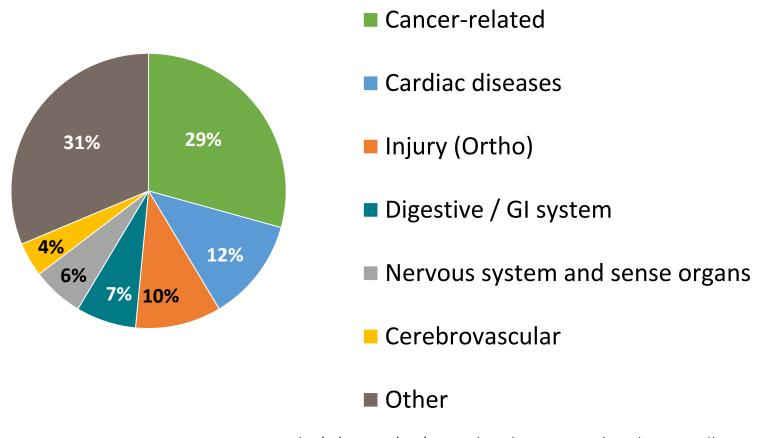| Source	Data
Medical malpractice claims and suites	> 500,000
Captive and Commercial Insurers	25 US Entities
Hospitals / Healthcare entities: AMCs / Teaching / Community Settings	~ 400
Physician (and APC) Providers	~180,000
% of in the US Malpractice Claims	~ 30%

Diagnostic-related claims are third largest in volume and highest in lost dollars (indemnity and expenses)
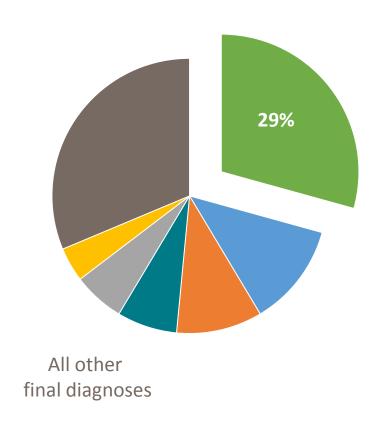
Top Major Allegations in CBS Cases

25,789 cases | $4.5B total incurred

■ number of cases ■ total incurred

5,233 cases / $1.3B (I/E)

CBS includes all med mal claims from > 500 healthcare / hospital entities and 180,000 physician – represents ~30% of US claims
N for this study =25,789 PL cases asserted 1/1/10–12/31/14 and fully coded with all clinical and legal attributes for comparative analysis.

Failure / delay in diagnosing cancer represents nearly 1/3 of all diagnosis-related malpractice cases

- Cancer-related
- Cardiac diseases
- Injury (Ortho)
- Digestive / GI system
- Nervous system and sense organs
- Cerebrovascular
- Other

CBS N=5,233 PL cases asserted 1/1/10–12/31/14 with a diagnosis-related major allegation.

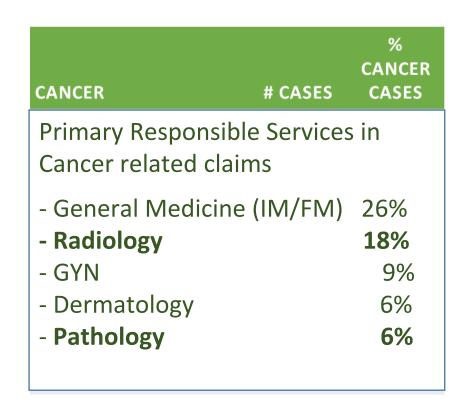# Distribution of diagnosis-related cases where cancer was the missed / delayed diagnosis

29%

All other
final diagnoses

CANCER	# CASES	% CANCER CASES
Lung (bronchus)	218	14%
Breast	204	13%
Colorectal	165	11%
Skin	111	7%
Female Genital	94	6%
Male Genital	81	5%
Other	357	24%
Benign neoplasms	86	6%

CBS N=5,233 PL cases asserted 1/1/10–12/31/14 with a diagnosis-related major allegation.

Top 5 Primary Responsible Services in diagnosis-related malpractice cases with cancer as a final Dx

29%

31%

12%

10%

7%

6%

4%

All other
final diagnoses

CANCER	# CASES	% CANCER CASES
Primary Responsible Services in Cancer related claims		
- General Medicine (IM/FM)		26%
- **Radiology**		**18%**
- GYN		9%
- Dermatology		6%
- **Pathology**		**6%**

CBS N=5,233 PL cases asserted 1/1/10–12/31/14 with a diagnosis-related major allegation.

- **Clinical Judgement** was the root cause in **72% of the Cancer related cases** - the top issues identified include
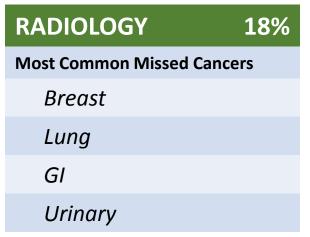
  - **Misinterpretation** of diagnostic study

- Additional **causation factors** include:

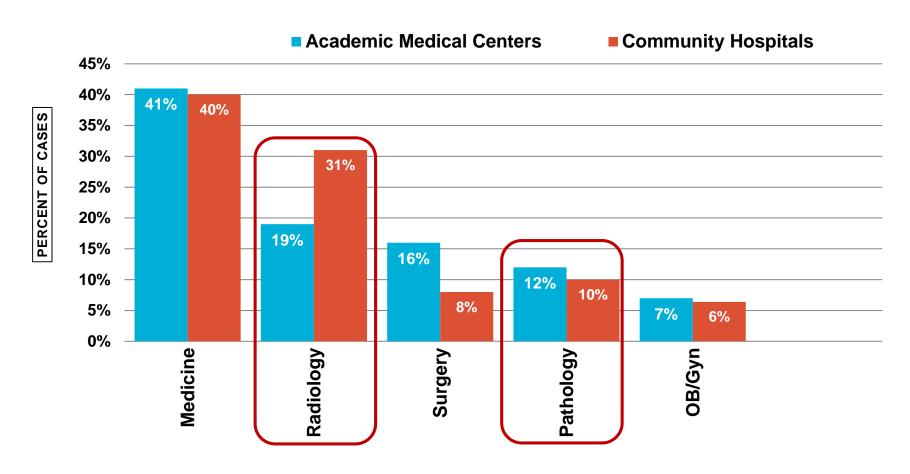 - Communication to Provider
  - Incidental Findings

  - Poor Technique
  - Communication to Provider

RADIOLOGY	18%
Most Common Missed Cancers	
Breast	
Lung	
GI	
Urinary	

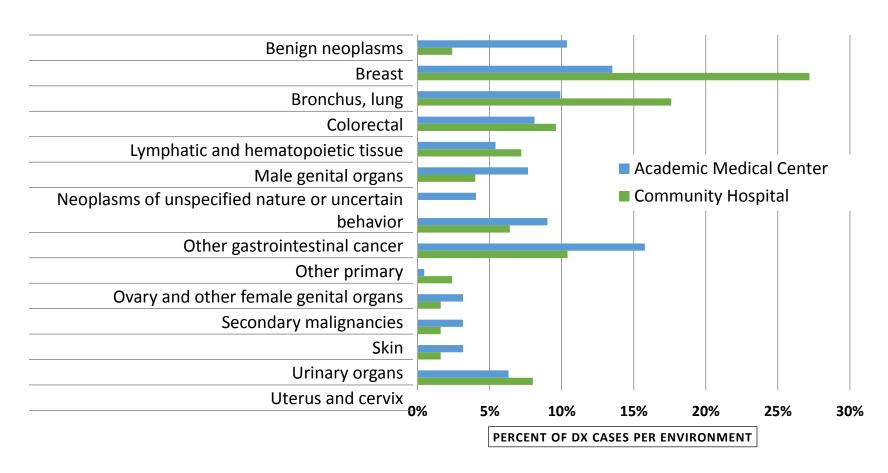| PATHOLOGY	6%
Most Common Missed Cancers	
GYN	
Skin	
Breast	
Head & Neck	

Comparing Responsible Service for cancer related diagnostic cases: Academic vs. Community (2012)

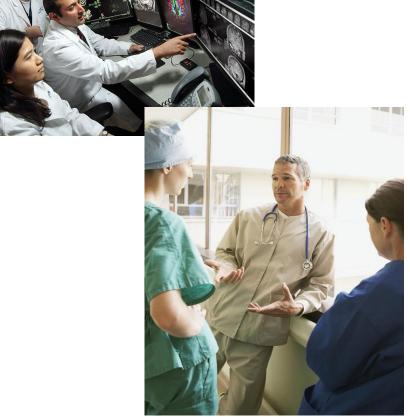Top Responsible Services in Cancer Diagnosis Cases

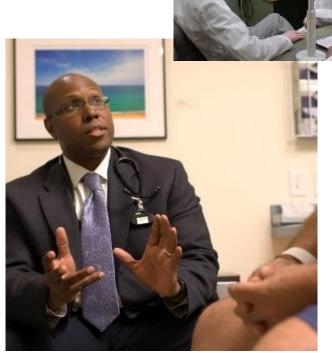# Comparative view; cancer cases types, **Academic vs. Community** setting (2012 study)

Top Cancers by Clinical Environment:
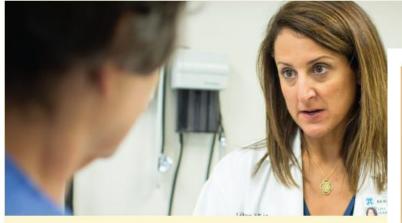

AMC N=222 PL cases closed 1/1/08–12/31/12 with a diagnosis-related major allegation and a final diagnosis of cancer.
Community N=125 PL cases closed 1/1/08–12/31/12 with a diagnosis-related major allegation and a final diagnosis of cancer.

Solutions that address primary contributors focus on:

- o **Technical Skills** (teaching, training, supervision)
- o **Communication** (between providers and w/ patient)
- o **Guidelines** (test ordering & process)

CRICO Breast Care Management Algorithm

A DECISION SUPPORT TOOL

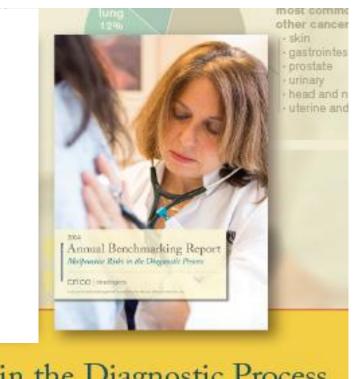First published in 1996

Last reviewed in 2014

Created: 1995
Revised: 2000, 2003, 2010
Current: 2013

Prevention & Early Detection of Colorectal Cancer

A CRICO DECISION SUPPORT TOOL

First published in 2004

Last reviewed in 2014

Created: 2004
Revised: 2006, 2010
Current: 2013

crico

Malpractice Risks in the Diagnostic Process

For copies of this (or other Annual Benchmark Reports) please visit:

http://www.rmf.harvard.edu/CBS

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