

Published in final edited form as:

Radiology. 2005 July ; 236(1): 37–46. doi:10.1148/radiol.2361040512.

Does Litigation Influence Medical Practice? The Influence of Community Radiologists' Medical Malpractice Perceptions and Experience on Screening Mammography¹

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Abstract

PURPOSE—To assess the relationship between radiologists' perception of and experience with medical malpractice and their patient-recall rates in actual community-based clinical settings.

MATERIALS AND METHODS—All study activities were approved by the institutional review boards of the involved institutions, and patient and radiologist informed consent was obtained where necessary. This study was performed in three regions of the United States (Washington, Colorado, and New Hampshire). Radiologists who routinely interpret mammograms completed a mailed survey that included questions on demographic data, practice environment, and medical malpractice. Survey responses were linked to interpretive performance for all screening mammography examinations performed between January 1, 1996, and December 31, 2001. The odds of recall were modeled by using logistic regression analysis based on generalized estimating equations that adjust for study region.

RESULTS—Of 181 eligible radiologists, 139 (76.8%) returned the survey with full consent. The analysis included 124 radiologists who had interpreted a total of 557 143 screening mammograms. Approximately half (64 of 122 [52.4%]) of the radiologists reported a prior malpractice claim, with 18 (14.8%) reporting mammography-related claims. The majority ($n = 51$ [81.0%]) of the 63 radiologists who responded to a question regarding the degree of stress caused by a medical malpractice claim described the experience as very or extremely stressful. More than three of

¹Supported by Public Health Service grant HS-10591 (J.G.E.) from the Agency for Healthcare Research and Quality and the National Cancer Institute and surveillance grants U01 CA65731 (S.H.T.), U01 CA66082-01 (P.A.C.), U01 CA65736-09 (G.R.C.), and U01 CA66076 (W.E.B.) from NIH and the Department of Health and Human Services and the National Cancer Institute.

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Authors stated no financial relationship to disclose.

Author contributions:

Guarantor of integrity of entire study, J.G.E.; study concepts and design, all authors; literature research, J.S.F., P.A.C., J.G.E.; data acquisition, J.S.F.; data analysis/interpretation, R.E.H., G.R.C., L.A.A., S.H.T., W.E.B., J.G.E.; statistical analysis, L.A.A., W.E.B.; manuscript preparation, J.S.F.; manuscript definition of intellectual content, editing, revision/review, and final version approval, all authors.

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Mario Incayawar, Knox H. Todd



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Research Handbook on Patient Safety and the Law John Tingle,Caterina Milo,Gladys Msiska,Ross Millar,2023-12-11 Despite recurring efforts a gap exists across a variety of contexts between the protection of patients safety in theory and in practice This timely Research Handbook highlights these critical issues and suggests both legal and policy changes are necessary to better protect patients safety

Law and Corporate Behaviour Christopher Hodges,2015-10-22 This book examines the theories and practice of how to control corporate behaviour through legal techniques The principal theories examined are deterrence economic rational acting responsive regulation and the findings of behavioural psychology Leading examples of the various approaches are given in order to illustrate the models private enforcement of law through litigation in the USA public enforcement of competition law by the European Commission and the recent reform of policies on public enforcement of regulatory law in the United Kingdom Noting that behavioural psychology has as yet had only limited application in legal and regulatory theory the book then analyses various European regulatory structures where behavioural techniques can be seen or could be applied Sectors examined include financial services civil aviation pharmaceuticals and workplace health safety Key findings are that enforcement has to focus on identifying the causes of non compliance so as to be able to support improved performance rather than be based on fear motivating complete compliance Systems in which reporting is essential for safety only function with a no blame culture The book concludes by proposing an holistic model for maximising

compliance within large organisations combining public regulatory and criminal controls with internal corporate systems and external influences by stakeholders held together by a unified core of ethical principles Hence the book proposes a new theory of ethical regulation This title is included in Bloomsbury Professional's International Arbitration online service *The Liability Maze* Peter W. Huber, Robert E. Litan, 2010-12-01 With an ever increasing number of liability lawsuits are corporations electing to play it safe rather than risk the uncertainties accompanying innovation In *The Liability Maze* experts address the issues surrounding safety and innovation and present the most detailed and comprehensive study to date on the actual impact of U S liability law In recent decades it has been widely assumed that liability laws promote safety by significantly raising the price companies must pay for negligence product defects and accidents More recently others have suggested that the broad and unpredictable sweep of these laws actually deters innovation The risks of lawsuits are so great that corporations are showing more caution in product innovation than ever before The contributors focus on five sectors of the economy where the liability system appears to have had the greatest effects positive or negative the private aircraft automobile chemical and pharmaceutical industries and the medical profession They suggest that in many sectors liability law has hampered innovation In others it has stimulated safety improvements although perhaps not so much as vigilant safety regulations

Health Law and the European Union Tamara K. Hervey, Jean V. McHale, 2004-11-04 How does the law of the European Union affect health law and policy At first sight it seems limited However despite its restricted formal competence the EU has recently become increasingly involved in the health field Litigation based on EU law has resulted in a right to receive health care services across national boundaries which may have huge practical implications for national health systems The EU has promulgated legislation regulating clinical research and the marketing of pharmaceuticals patients rights are affected by EU legislation on data protection and product liability the qualifications of health care professionals are legally recognised across the EU and the EU has acted to promote public health This book explores the various impacts of measures of EU law on national health law and policy Through elaboration of selected examples the authors show that within the EU health law cannot be regarded as a purely national affair Medical Liability United States. Congress. Senate. Committee on Health, Education, Labor, and Pensions, 2007 *Culture, Brain, and Analgesia* Mario Incayawar, Knox H. Todd, 2013-01-10 In this state of the art volume culture is placed in the forefront of studying pain in an integrative manner The authors put forth that a patient's culture should be studied with the purpose of unveiling its effects upon biological systems and the pain neuromatrix

Otorhinolaryngology- Head & Neck Surgery Chris de Souza, 2017-12-31 Otorhinolaryngology Head endoscopic sinus surgery facial plastics head and neck cranial base and oncology laryngology otology In this new edition endoscopic sinus surgery is given its own section encompassing all aspects of this surgery and an entirely new section on otology is comprised of 37 chapters including otitis media and cochlear implants The facial plastics section provides information on dermabrasion chemical peels laser treatment botox and

rhinoplasty amongst many other topics New topics in this edition include laryngopharyngeal reflux trauma and stenosis of the larynx and laryngeal cancer bringing the text firmly up to date Illustrated in full colour across 2000 pages this vast two volume set is an ideal source of reference for otorhinolaryngology practitioners and residents Key Points New edition of comprehensive two volume set covering all sub specialties in otorhinolaryngology Previous edition published 2009 9788184486797 New sections on endoscopic sinus surgery and otology New topics include laryngopharyngeal reflux trauma and stenosis of the larynx and laryngeal cancer Medical liability : new ideas for making the system work better for patients : hearing , Causality of Psychological Injury Gerald Young,Andrew W. Kane,Keith Nicholson,2007-05-31 This sequel to the authors Psychological Knowledge in Court offers a welcome expansion on key concepts terms and issues in causality bringing much needed clarity to psychological injury assessments and the legal contexts that employ them Focusing on PTSD traumatic brain injury and chronic pain and grounding readers in salient U S and Canadian case law Causality sets out a multifactorial causality framework to facilitate admissibility of psychological evidence in court Issues concerning malingering are examined in depth as are clinical gray areas that can jeopardize validity At the same time the book clearly explains what lawyers and clinicians need to understand about each other s work of crucial importance since the two sides often seem to speak at cross purposes The authors and six guest contributors Illustrate the roles of preexisting vulnerabilities traumatic events and post event occurrences in psychological impairment and disability Review the literature on PTSD TBI and chronic pain for legal relevance Identify current challenges and controversies in the field as well as emerging areas for research Recommend methods and instruments for conducting more courtworthy assessments Provide a detailed critical review of malingering and related phenomena Propose a more accurate shared terminology of causality Valid causality judgments are based on sound knowledge of research on large populations and careful testing of individuals at the same time they must conform to stringent legal standards of relevance and reliability to be accepted for testimony Forensic practitioners and attorneys will turn to Causality of Psychological Injury as their professional paths increasingly cross in seeking comprehensive and state of the art information

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