

May 22, 2008

Doctors Who Say They're Sorry

The willingness of doctors at several major medical centers to apologize to patients for harmful errors is a promising step toward improving the quality of a medical system that kills tens of thousands of patients a year inadvertently.

For years, experts have lamented that medical malpractice litigation is an inefficient way to deter lethal or damaging medical errors. Most victims of malpractice never sue, and there is some evidence that many patients who do sue were not harmed by a physician's error but instead suffered an adverse medical outcome that could not have been prevented. The details of what went wrong are often kept secret as part of a settlement agreement.

What is needed, many specialists agree, is a system that quickly brings an error to light so that further errors can be headed off and that compensates victims promptly and fairly. Many doctors, unfortunately, have been afraid that admitting and describing their errors would only invite a costly lawsuit.

Now, as described by Kevin Sack in *The Times*, a handful of prominent academic medical centers have adopted a new policy of promptly disclosing errors, offering earnest apologies and providing fair compensation. It appears to satisfy many patients, reduce legal costs and the litigation burden and, in some instances, helps reduce malpractice premiums.

At the University of Illinois, for example, of 37 cases where the hospital acknowledged a preventable error and apologized, only one patient filed suit. At the University of Michigan Health System, existing claims and lawsuits dropped from 262 in August 2001 to 83 in August 2007, and legal costs fell by two-thirds.

To encourage greater candor, more than 30 states have enacted laws making apologies for medical errors inadmissible in court. That sounds like a sensible step that should be adopted by other states or become federal law. Such laws could help bring more errors to light. Patients who have been harmed by negligent doctors can still sue for malpractice, using other evidence to make their case.

Admitting errors is only the first step toward reforming the health care system so that far fewer mistakes are made. But reforms can be more effective if doctors are candid about how they went astray. Patients seem far less angry when they receive an honest explanation, an apology and prompt, fair compensation for the harm they have suffered.

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