

Out of court settlement of malpractice claims: Incorrect treatment of bone fractures in children

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Incorrectly treated fractures in children are one of the errors most frequently confirmed in the arbitration process. This was the conclusion reached by Heinrich Vinz and Johann Neu of the Arbitration Board of the North German Medical Associations, Hanover, in the current edition of *Deutsches Ärzteblatt International*.

The authors evaluated the expert reports and rulings in 189 panel proceedings from 2000 to 2007, in which the complaint dealt with the treatment of [fractures](#) in [children](#). The procedures related to 213 hospitals and doctors from nine federal states and covered 283 complaints. Vinz and Neu also analyzed which specialities were involved in the procedures, as well as the sites of fracture in the individual children, together with possible treatment errors and their consequences.

Among treatment errors in children, the North German Arbitration Board dealt with about 24 cases of fractures annually, making this the most frequent type of complaint, followed by appendicitis, with about 10 cases annually. Errors in the treatment of bone fractures in children were confirmed on average in 64% of cases, which is twice as high as the average figure for arbitration procedures in all other areas of treatment.

The essential errors were inaccurate diagnostic evaluation, misinterpretation of the x-rays, conservative or operative treatment which was inappropriate to the fracture pattern, as well as omitted or

inadequate control of the fracture. The highest rate of errors (77%) was in the area of the elbow. Long-term mild or moderate degree damage due to malpractice was confirmed in 37 cases (31%), as well as severe long-term damage in 16 cases (13%).

The malpractice review committees and arbitration boards of the State Medical Associations investigate claims for presumed errors in medical treatment extrajudicially. The aim of the procedure is to avoid protracted and expensive court cases and this is achieved in more than 90% of cases. More than 77 000 patients have contacted the North German Arbitration Board since its foundation in 1976.

More information: *Dtsch Arztebl Int* 2009; 106(30): 491-8;
www.aerzteblatt.de/v4/archiv/pdf.asp?id=65503

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