

## 9 in 10 docs blame lawsuit fears for overtesting

June 28 2010, By LINDSEY TANNER , AP Medical Writer

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(AP) -- Ninety percent of physicians surveyed said doctors overtest and overtreat to protect themselves from malpractice lawsuits.

That sentiment is more common among male [doctors](#) than female doctors, according to the survey published Monday in [Archives of Internal Medicine](#). The findings echo a recent Associated Press story in which many emergency room doctors said [lawsuit](#) fears are the main reason for overtreatment in the ER.

The Archives survey of 1,231 physicians nationwide included ER doctors and other specialists, surgeons and primary care doctors.

The survey asked two questions: "Do physicians order more tests and procedures than patients need to protect themselves from malpractice suits?" And, "Are protections against unwarranted malpractice lawsuits needed to decrease the unnecessary use of diagnostic tests?"

Overall, 91 percent of doctors surveyed agreed with both statements.

Survey co-author Dr. Tara Bishop, an internist at Mount Sinai School of Medicine in New York, said the results jibe with what she hears from colleagues.

"When you sit around at a dinner party with doctors, malpractice fears and a kind of hatred of the malpractice system really comes up as a common theme," Bishop said.

Paul Perantinides, a medical malpractice attorney in Akron, Ohio said most of his cases involve doctors failing to test - a point that Bishop said emphasizes why doctors sometimes order so many tests.

Bishop said lawsuit fears sometimes play a role in her own decisions to order tests, "particularly if it's a high-risk patient."

Bishop noted that defensive medicine is estimated to cost the U.S. [health care system](#) billions of dollars each year, and said many doctors worry they could be sued even when they follow standard-of-care guidelines.

Patient advocate Helen Haskell of the group Mothers against [Medical Errors](#) said she isn't surprised so many doctors say they overtest because of malpractice concerns.

"I think they certainly believe that, but at the same time the overtesting is both easy and profitable for them rather than spending time with the patient ... to get to the root of things," said Haskell, of Columbia, S.C. Her 15-year-old son died in 2000 from a medical error after elective surgery. Doctors agreed to a hefty settlement without a lawsuit being filed.

Bishop and colleagues randomly selected doctors for the survey from an American Medical Association list of U.S. doctors. A total of 2,416 were mailed surveys starting in June last year; half sent in responses and data collection ended in October. The survey was funded by a grant from the Robert Wood Johnson Foundation and was part of a broader study on doctors' views on health care reform.

Overall, almost 93 percent of male physicians said doctors order unnecessary tests because of malpractice concerns, versus 87 percent of female physicians. Equal numbers of men and women said protection from unwarranted lawsuits is needed to decrease overtesting.

The survey didn't ask doctors if they personally ordered needless tests because of malpractice concerns, or if it is the major reason for overtesting. It also didn't ask them to name specific malpractice reforms they favor, although many doctor groups including the AMA have pushed for limits on malpractice awards.

**More information:** Archives of Internal Medicine:  
<http://www.archinternmed.com>

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