



College of
Physicians

evidence-based
efficiency
innovation
quality

American College of Physicians
A Position Paper

2014

Medical Liability Reform:

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202-2 1-4500.
00-523-154 2 00, 215-351-2 00.

$$\frac{d}{dt} \left[\frac{\partial}{\partial t} \left(\frac{1}{2} \mathbf{A}_t^T \mathbf{A}_t + \frac{1}{2} \mathbf{B}_t^T \mathbf{B}_t + \mathbf{C}_t^T \mathbf{C}_t + \mathbf{D}_t^T \mathbf{D}_t \right) \right] = \frac{d}{dt} \left[\frac{1}{2} \mathbf{A}_t^T \mathbf{A}_t \right] + \frac{d}{dt} \left[\frac{1}{2} \mathbf{B}_t^T \mathbf{B}_t \right] + \frac{d}{dt} \left[\frac{1}{2} \mathbf{C}_t^T \mathbf{C}_t \right] + \frac{d}{dt} \left[\frac{1}{2} \mathbf{D}_t^T \mathbf{D}_t \right]$$

the first time in 2003.⁵ The author would like to thank the editor and anonymous reviewers for their useful comments and suggestions.

Recommendation 3: Minimum standards and qualifications for expert witnesses should be established. At minimum, expert witnesses should be:

- Board certified by the entity relevant to their specialty;
- Active in full-time practice, or have sufficient experience as an educator at an accredited medical school in the relevant subject matter;
- Licensed in the state in which the case is filed or another state with similar licensure qualifications; and
- Required to disclose the frequency and percentage of income derived from expert witness activities as well as any conflicts of interest.

Witnesses should also be trained in the same discipline as the physician named in the lawsuit; experience and familiarity should be substantive and relevant to the subject matter and standard of care at the time of the alleged occurrence. Witnesses should demonstrate competence in type of care for which they are chosen -YdUdYdbeYdFYFdDnPeY-YUadfdcY_mTgY-YUubbYYbFY

- Pilot programs should test the applicability of communication and resolution programs in small group, rural, and solo physician practices operating outside of closed health care systems. Funding should be directed toward establishing resource centers, statewide risk-pooling or reinsurance products to ensure the viability of communication and resolution programs in such practice environments. Pilot projects should also test the effect of communication and resolution programs in states with and without damage caps.

Recommendation 6: In addition to communication and resolution programs, the Secretary of Health and Human Services should be authorized to make grants to states for the development and implementation of Alternative Dispute Resolution (ADR) models, including mediation. States would have flexibility in devising their ADR programs as long as federal standards were met. Federal standards should require ADR systems to incorporate

Recommendation 8: ACP supports initiating pilot projects to determine the effectiveness of health courts and administrative compensation models.

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Recommendation 1: Improving patient safety and preventing errors must be at the fore of the medical liability reform discussion. Empo r

Recommendation 2: Caps on noneconomic damages, similar to those contained in the California Medical Injury Compensation Reform Act (MICRA), should be part of a comprehensive approach to improving the medical liability system. While ACP strongly prefers that such caps and other tort system reforms be enacted by Congress to establish a national framework for addressing medical liability lawsuits, the College also advocates that states lacking such reforms enact legislation modeled after MICRA.

NOTE: A glossary of relevant legal terms can be found in the Appendix.

The College advocates the following:

-) A cap on non-economic damages should be established at \$250,000 per plaintiff per case.
-) A cap on economic damages should be established at \$50,000 per plaintiff per case.
-) A cap on attorney fees should be established at \$10,000 per plaintiff per case.
-) A cap on expert witness fees should be established at \$1,000 per plaintiff per case.

) (A) \$250,000

A. (B) (C) (D)

Collateral source rule: $\text{collateral} = \frac{\text{collateral}}{\text{collateral}} + \frac{\text{collateral}}{\text{collateral}}$

- Required to disclose the frequency and percentage of income derived from expert witness activities as well as any conflicts of interest.

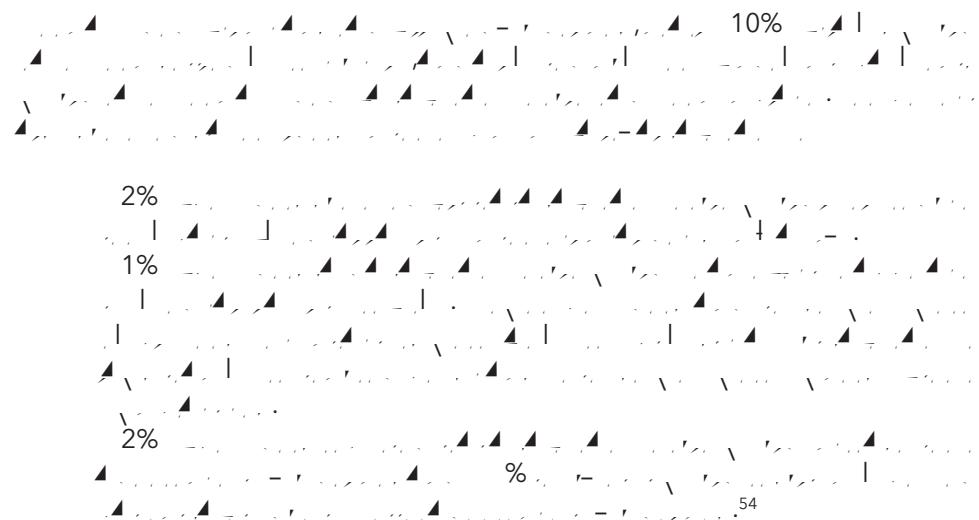
Witnesses should also be trained in the same disc

and the public sector, to ensure that the principles of equality and non-discrimination are upheld in all areas of life. This includes addressing systemic racism and discrimination in education, healthcare, housing, employment, and law enforcement. It also requires addressing the historical legacy of colonialism and its impact on indigenous peoples, and working towards reconciliation and道歉 (apology).² A comprehensive approach to equality and non-discrimination must be informed by the principles of respect, dignity, and human rights, and must be rooted in a commitment to justice and equality for all.

Recommendation 5: States and the federal government should continue to pilot-test communication and resolution programs that incorporate restorative justice and apology programs. Pilot programs

2012, 11 月 22 日

performance; reflective of processes of care that physicians and other health care professionals can influence and impact

Fig. 18. The ratio of observed to calculated excess energy loss functions, $\Delta_{\text{ex}}^{\text{obs}} / \Delta_{\text{ex}}^{\text{cal}}$.

Administrative Compensation Models of Sweden, Denmark, and New Zealand

and the administrative model (A) is the most generous. The second column shows the percentage of the average wage that each model provides to the average employee. The third column shows the percentage of the average wage that each model provides to the average employee in the public sector. The fourth column shows the percentage of the average wage that each model provides to the average employee in the private sector. The fifth column shows the percentage of the average wage that each model provides to the average employee in the public sector in the case where the public sector is 100% unionized. The sixth column shows the percentage of the average wage that each model provides to the average employee in the private sector in the case where the private sector is 100% unionized. The seventh column shows the percentage of the average wage that each model provides to the average employee in the public sector in the case where the public sector is 100% unionized and the private sector is 100% unionized. The eighth column shows the percentage of the average wage that each model provides to the average employee in the private sector in the case where the public sector is 100% unionized and the private sector is 100% unionized.

$$\left\langle \frac{1}{2} \right\rangle = \frac{\partial^2 \ln Z}{\partial t^2} - \frac{\partial^2 \ln Z}{\partial t \partial A_1} \left(\frac{\partial \ln Z}{\partial A_1} \right)^2 - \frac{\partial^2 \ln Z}{\partial A_2 \partial A_1} \left(\frac{\partial \ln Z}{\partial A_2} \right) \left(\frac{\partial \ln Z}{\partial A_1} \right) +$$

$$- \frac{\partial^2 \ln Z}{\partial A_1 \partial A_2} \left(\frac{\partial \ln Z}{\partial A_1} \right) \left(\frac{\partial \ln Z}{\partial A_2} \right) - \frac{\partial^2 \ln Z}{\partial A_2^2} \left(\frac{\partial \ln Z}{\partial A_2} \right)^2 +$$

$$+ \frac{\partial^2 \ln Z}{\partial t^2} \left(\frac{\partial \ln Z}{\partial t} \right)^2 - \frac{\partial^2 \ln Z}{\partial t \partial A_1} \left(\frac{\partial \ln Z}{\partial A_1} \right)^2 - \frac{\partial^2 \ln Z}{\partial A_2 \partial A_1} \left(\frac{\partial \ln Z}{\partial A_2} \right) \left(\frac{\partial \ln Z}{\partial A_1} \right) +$$

$$+ \frac{\partial^2 \ln Z}{\partial A_1 \partial A_2} \left(\frac{\partial \ln Z}{\partial A_1} \right) \left(\frac{\partial \ln Z}{\partial A_2} \right) + \frac{\partial^2 \ln Z}{\partial A_2^2} \left(\frac{\partial \ln Z}{\partial A_2} \right)^2 +$$

$$+ \frac{5}{2} \frac{\partial^2 \ln Z}{\partial t^2} \left(\frac{\partial \ln Z}{\partial t} \right)^2 + \frac{3}{2} \frac{\partial^2 \ln Z}{\partial t^2} \left(\frac{\partial \ln Z}{\partial A_1} \right)^2 + \frac{3}{2} \frac{\partial^2 \ln Z}{\partial A_2^2} \left(\frac{\partial \ln Z}{\partial A_2} \right)^2 +$$

$$- 3 \frac{\partial^2 \ln Z}{\partial t^2} \frac{\partial^2 \ln Z}{\partial A_1 \partial A_2} \left(\frac{\partial \ln Z}{\partial A_1} \right) \left(\frac{\partial \ln Z}{\partial A_2} \right) - \frac{3}{2} \frac{\partial^2 \ln Z}{\partial t^2} \frac{\partial^2 \ln Z}{\partial A_1^2} \left(\frac{\partial \ln Z}{\partial A_1} \right)^2 -$$

$\rangle_{A_1 A_2}$

1. A Δ is a directed graph with no cycles. It is a tree if it is connected.
2. A Δ is a directed graph with no cycles. It is a forest if it is disconnected.
3. A Δ is a directed graph with no cycles. It is a DAG if it is acyclic.
4. A Δ is a directed graph with no cycles. It is a partial order if it is acyclic and connected.
5. A Δ is a directed graph with no cycles. It is a total order if it is acyclic and connected and every node has exactly one incoming edge.

#	!!	\$	"\$!
<i>Alternative dispute resolution</i>				
<i>Collateral source rule</i>				
<i>Fair-share rule</i>				
<i>Joint and several liability</i>				
<i>Non-economic damages</i>				

3. *Ann Intern Med.* 2010;153(4):213-221. 12/20/2016

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