

TOP TEN REASONS PHYSICIANS ARE SUED

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Physicians are sued for many reasons. Some of the reasons are legitimate and others are not. Obviously, if a physician is negligent and it causes damage to the patient, the physician is vulnerable to being sued for malpractice. However, physicians are many times sued for reasons not based on the classic negligence principles. A plaintiff may disguise his lawsuit in negligence but the motivating factor may not be thoughts of negligence at all. A physician often has control, and is able prevent the lawsuits based on these other factors.

The following is a “top ten list” as to why physicians are frequently sued.

10. **Poor or erroneous documentation.** Many times a patient or family members will review medical records, especially if there is an adverse outcome. If there is lack of documentation as to differential diagnoses, the physical findings or if there is an error (or perceived error) in the documentation, it may raise red flags to the patient calling into question the appropriateness of the medical treatment. Taking the time to ensure accuracy in documentation can reduce your risk.
9. **Lack of informed consent.** Although informed consent is technically a theory of negligence, a patient who has been provided the appropriate information, but does not understand the possible risks and optional treatment modalities, will often blame the physician for a known but rare complications that occur which are simply inherent to the procedure. Detailed explanations and detailed informed consent forms can help protect you against this problem.
8. **Diagnosis delay.** Many times a patient equates a delay in arriving at a concrete diagnosis or a change in the differential diagnosis to the physician not knowing what he/she is doing. Again, in the advent of a damaging delay in diagnosis, the patient may fault the doctor for the delay. Good communication can eliminate the patient’s concerns in this regard.
7. **Lack of explanation as to condition/diagnosis.** Although, perhaps as a subset of number eight, a patient often perceives their own lack of knowledge as the fault of the physician. The patient’s lack of understanding as to diagnoses is often projected onto the doctor. Keep the patient and his/her family informed.
6. **Lack of quality time with the patient.** The patient and family members become very irritated when physicians appear to have no time for them. An absent physician is perceived to not be caring for the patient. Take the time and appear to have the time to avoid this misconception.

5. **Not seeing the patient.** Physicians frequently use physician assistants and nurse practitioners to assist in patient care. While this is a perfectly appropriate practice, the patient feels unimportant, especially when hospitalized, if they do not actually see their physician. Do not rely on your physician supporters to be the only patient contact.
4. **Billing errors and practices.** Physicians are often sued for malpractice when issues arise out of the patient's bill. Although collection services and actions are a necessary evil of the business aspect of a physician, when dealing with patients who suffer adverse outcomes, think twice about taking legal action to collect those fees.
3. **Guilt.** A patient or family member's own guilt frequently drives lawsuits. This is especially true when there is an adverse outcome from treatment of a child. Parents, for example, feel guilty about not seeking medical treatment earlier if it potentially could have changed the outcome. Although this type of guilt is difficult for the physician to control, good explanations at the time of care and treatment can help eliminate the guilty feelings, as opposed to the patient attempting to relieve their guilt through a lawsuit and assigning fault to someone else.
2. **Poor bedside manner.** Bedside manner can cure many ill-feelings. A physician who is courteous, shows empathy or sympathy and conveys an air of caring, creates a friendship between he/she and the patient. Rarely do people like to sue "their friends."

And the number one reason physicians are sued

1. **Poor communication.** Communication can resolve many issues. Family members often feel a lawsuit is necessary to learn what happened to cause the death of a loved one or why they, as the patient, had such a devastating illness or prolonged hospital course. Communication, communication, communication! It can provide reasons and explanations at the time of the care and treatment; thus, avoiding the need for a lawyer to tell the patient/family what occurred.