

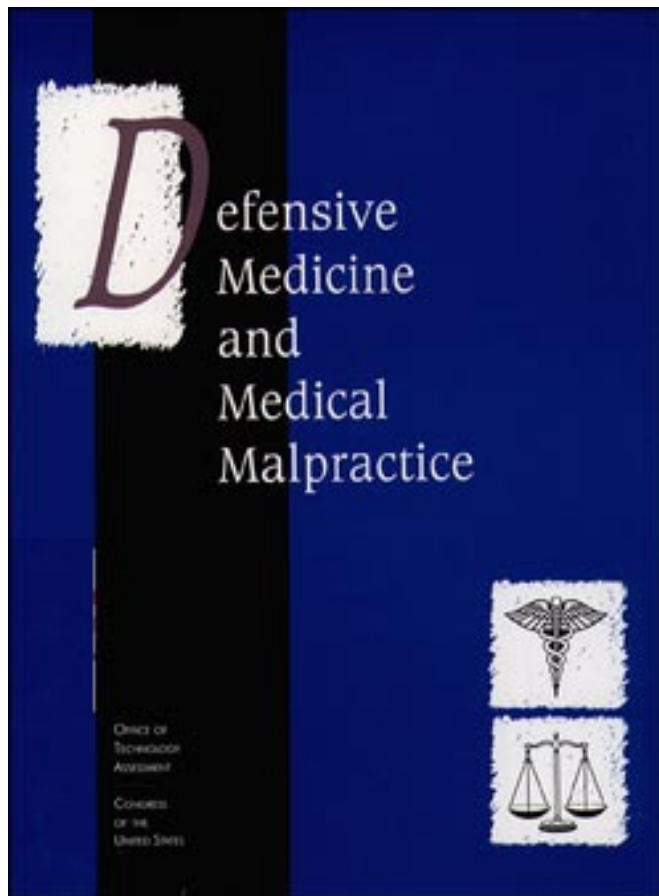
Defensive Medicine and Medical Malpractice

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Foreword

The medical malpractice system has frequently been cited as a contributor to increasing health care costs and has been targeted in many health care reform proposals as a potential source of savings. The medical malpractice system can add to the costs of health care directly through increases in malpractice insurance premiums, which may be passed on to consumers and third-party payers in the form of higher fees. However, total direct costs of the medical malpractice system represent less than 1 percent of overall health care costs in the United States.

The medical malpractice system may also increase costs indirectly by encouraging physicians to practice defensive medicine. In this assessment, the Office of Technology Assessment first examines the nature of defensive medicine, adopting a working definition of defensive medicine that embraces the complexity of the problem from both the physician and broader public policy perspectives. It then presents and critically examines existing as well as new evidence on the extent of defensive medicine. Finally, it comments on the potential impact of a variety of medical malpractice reforms on the practice of defensive medicine.

This assessment was prepared in response to a request by the House Committee on Ways and Means and the Senate Committee on Labor and Human Resources. The report was prepared by OTA staff, but OTA gratefully acknowledges the contributions of the assessment advisory panel, numerous researchers who did work under contract to OTA, and many other individuals who provided valuable information and reviewed preliminary drafts. As with all OTA documents, the final responsibility for the content of the assessment rests with OTA.



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Note: OTA appreciates and is grateful for the valuable assistance and thoughtful critiques provided by the advisory panel members. The panel does not, however, necessarily disapprove, or endorse this report. OTA assumes full responsibility for the report and the accuracy of its contents.

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