

***Medical errors
are a major
threat to patient
safety and
health in
Wisconsin and
our nation.***

In a recent survey by the Kaiser Family Foundation, four in 10 people (40%) say the quality of health care has gotten worse in the past five years.

*We need to be doing
a better job protect-
ing patient safety.*

To learn more about *Protecting Patients' Safety*, attend the following presentation:

Where: AAUW meeting

When: Saturday, January 22, 2005

Time: 10:00 a.m.

Place: Room 312, West High School, Wausau, WI

Presenter: Chris Bremer Muggli, Law Offices of Chris Bremer Muggli, Wausau, WI



Wisconsin Academy of Trial Lawyers

For more information:
44 E. Mifflin St., Suite 103
Madison, WI 53703
Phone: 608-257-5741
Fax: 608-255-9285
Email: contact@watl.org

**Wisconsin Academy of
Trial Lawyers**

**FIRST DO NO
HARM:
PROTECTING
PATIENTS'
SAFETY**



Keeping Wisconsin Families Safe

Problem of Massive Proportions

The equivalent of 390 jumbo jets full of people – 195,000 people – are dying each year due to likely preventable, in-hospital medical errors, according to a recent study by HealthGrades, which publishes rankings of hospitals and doctors.



Each day more than one jumbo jet full of people die as a result of medical errors.

This is double the estimate from the Institute of Medicine's *To Err is Human* study from 1999, which found between 44,000 and 98,000 people die as result of medical errors.

This makes medical errors the 6th leading cause of death in the US. More people die as a result of medical errors than from automobile deaths, AIDS, or breast cancer.

Medical errors carry a high financial cost. The Institute of Medicine estimates that medical errors cost the U.S. approximately \$37.6 billion each year. About half (\$17 billion) of the expenditures are for direct health care costs associated with preventable errors.

MAJOR BARRIERS TO PREVENTING MEDICAL ERRORS

? **Understaffing**

Post-surgery deaths increase when nurse/patient ratio exceeds 1:4. When that ratio reaches 1:5, a 7% increase in deaths results. At a ratio of 1:8, deaths soar by 31%.

? **Poor Monitoring**

The Institute of Medicine report *To Err is Human* found that least 100 patients die per day in US hospitals because of injuries from their care, not their diseases.

? **Repeat Offenders**

A small group of doctors causes the lion's share of malpractice payouts. Public Citizen has estimated that 5% of doctors account for 54% medical malpractice payments.

? **Doctors Rarely Admit Mistakes**

Secrecy is a major issue when dealing with medical errors. Patients are often in the dark and never told what went wrong. Their families often only receive the full truth when providers are under oath in a malpractice case.

? **Weak Medical Discipline System**

In **over 90%** of the complaints presented to it between 1998-2002, Wisconsin's Medical Examining Board took no disciplinary or corrective action of any kind against physicians.

? **Artificial Limitations on Compensation for Harm**

Limitations on damages often close the door to justice. The Wisconsin Legislature established an indexed \$350,000 cap on noneconomic damages in 1995. This means juries are no longer allowed to decide what will properly compensate injured patients and their families for their injuries.

How can we restore safety and accountability for patients?

Individual vigilance and advocacy.

Sufficient staffing and adoption of programs to prevent medical errors.

Shine sunlight on problems.

Wake up the disciplinary watchdog.

Protect your right to your day in court.

Let juries, not legislators, decide what injured families should recover.



Wisconsin Academy of Trial Lawyers

The Wisconsin Academy of Trial Lawyers (WATL), is a voluntary trial bar and a non-profit corporation under the laws of Wisconsin. Members of the Academy are attorneys who represent consumers seeking to hold wrongdoers accountable for injuries arising from unsafe products or procedures. The Academy's objectives are to promote continuing legal education for the betterment of the trial bar profession and to preserve Wisconsin's civil jury trial system by working with the state legislature and other governmental bodies as an advocate for the legal rights of all Wisconsin citizens.