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How Medical Assessments Impact Trials' Outcomes: A Nationwide Study

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Abstract

Medical malpractice litigation involves very professional judgment about negligence and causality. Therefore, professional medical assessments are essential for judges to make their sentences. However, how often the judges use the assessment reports in their cases and how the assessment reports influence the trials remain unclear in Taiwan. Therefore, we conducted an empirical study based on a nationwide trial database.

We analyzed 1,917 medical malpractice litigation cases between 2002 and 2010. Among these cases, judges used assessment reports in their cases in 1,295 trials (83.0%). In multivariate analyses, criminal cases (odds ratio, OR=1.98) and cases with severe injury or death (OR=2.89) were associated with higher chance to use assessment reports in trials. For outcomes of trials, we found physicians had higher chance to win the suits if the assessment reports favoring physician

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(OR=37.72) or in criminal courts (OR=2.64). In stratified multivariate analyses, we found that if assessment reports did not favor physicians, physicians had about 40% chance to win their trials, which was approximately the same chance as the consistent rate of negligence in the assessment reports. On the other hand, physicians still had 6% chance to lose their trials even though the assessment reports did not find any negligence.

In the present study, we used empirical evidence to prove that medical assessment reports were highly cited in the medical malpractice litigations, especially in criminal cases and cases with severe injury or death. Assessment reports favoring physicians and criminal cases were the two independent factors associated with higher chance for physicians to win their cases after adjusting other factors.

Keywords: Medical Malpractice Litigation, Medical Assessment, Empirical Study, Medical Injury