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Consistency of Assessments for Medical Dispute Cases: A 20-year Nationwide Empirical Study

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Abstract

This nationwide empirical study examined 4,949 assessment reports made by Taiwan's Medical Review Committee (MRC) during 1987-2006. The aim of this study is to investigate the consistency of assessment reports for the same cases made by the MRC. The consistency of assessments was defined as the same judgment made in the later assessment as the previous one. Among these assessments, 16.7% were assessed with negligence. For cases found with negligence, the consistency of negligence in the secondary assessment was only 46.1%. Even those with negligence in the first two assessments, only 42.9% cases were found with negligence in the third assessment. On the other hand, those without negligence found in the first assessment, 90.0% cases were found no negligence in the second assessment. For those without negligence in the first two assessments, 95.3% cases were

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found no negligence in the third assessment. The potential explanations for the low consistency for cases assessed with negligence were as follows. First, it is quite difficult to find negligence in most medical dispute cases. Second, the MRC used too stringent standards of care to assess these dispute cases. Third, the specific situations of dispute cases were not carefully examined in the earlier assessments. Interestingly, the about 40% consistency rate of negligence is exactly the rate of guilty found in the criminal courts for medical dispute cases. The results imply that the consistency of assessment plays an important role on the results of medical dispute litigations. How to improve the consistency of assessment is a very crucial and must be solved issue.

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