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Orthopaedic malpractice claims in the VA medical system.

[Rubin G](#), [Dean A](#), [Schwartz HS](#).

Department of Veterans Affairs
Medical Center, Section of Surgery,
Nashville, TN, USA.

This study was undertaken to delineate the outcome of orthopaedic malpractice claims in the Veterans Affairs Medical Center (VAMC) system compared with the private sector. All orthopaedic administrative tort (malpractice) claims handled by the Office of Regional Counsel in Nashville, Tennessee during the 5-year period (8/93-7/98) were analyzed. Attention was directed at: 1) the number and type of claims, 2) the disposition of the claims, 3) the average award or settlement and range in size of awards (indemnity), and 4) the length of time required to process and dispose of each claim. These data were compared to those compiled in that segment of the private sector represented in the database of Physician Insurers Association of America (PIAA) for a similar five years (1/90-12/94). Twenty-six claims were filed in the 5-year study period and 22 were adjudicated by December 1999. Fourteen of 22 (64%) were defended successfully and eight (36%) resulted in an award to the claimant plaintiff. In the private sector those figures were 69% and 31%, respectively. The VAMC average indemnity was 20,404 dollars (range, 3500-100,000 dollars) versus 145,200 dollars in the private sector. Approximately 1% of all awards in the private sector were greater than 1,000,000 dollars. The length of time required by the VAMC to process and dispose of each claim ranged from 6 to 59 months and averaged 15.2 months. The settlement rate of orthopaedic medical malpractice claims involving the VAMC and the private sector is similar. It appears that the average award is greater in the private sector. This may reflect more claims and lesser awards in the VAMC. In both systems, most claims do not result in an indemnity.