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The Changing Practices of Medical Malpractice Claims

Medical malpractice claims are as common in Veteran's Administration (VA) hospitals as they are in private hospitals. Unfortunately for veterans, the process of filing a *claim* against the VA can be cumbersome and confusing. Basically, the VA has six months to review your claim and if you don't settle or hear back from them, you can bring a private suit in federal court.

Apology Laws

An apology law allows a doctor to say that he is "sorry" for the malpractice without that statement being used against him in a medical malpractice law suit. It may provide patients and family members with a bit more comfort when things go wrong. Whether you agree with that or not, some hospitals are now using that theory to their advantage. A VA hospital in Kentucky realized that most people appreciate honesty and understand that things sometimes don't go as planned. The hospital decided to take this idea one step further.

In 1987, the hospital began to admit to errors and start negotiations with patients and their families soon after the malpractice had occurred. The results were surprising. During the following 16 years, the hospital paid an average of \$16,000 per case as compared with average settlements of \$98,000–\$450,000 in more adversarial situations. Based on this success, other hospitals have been adopting this model and nearly 30 states have enacted apology laws.

The Good and the Bad

The upside of this practice for injured patients and their families is that they don't have to go through all the hassles of malpractice litigation and can get some money fairly quickly. The downside is that the amounts of money being paid out are not large enough to compensate many people for their losses, which will have other economic consequences. Some patients have been disabled and will need special care for the rest of their lives. If the settlement doesn't cover the expenses, someone will have to pay. Minor children have lost their parents and their economic support. Someone will have to pay for their living costs and education.