

WITNESS FOR JUSTICE

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Medical Negligence - Unspoken Injustice in Health Care

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On December 24, 2009, the United States Senate passed landmark health care reform legislation, the Patient Protection and Affordable Care Act. Many are jubilant and hopeful about the ability of this reform to improve health care services and reduce costs. However, there are many who are concerned about other injustices in our health care system. A few days after this historic passage, I received a sad email from one such person.

The person shared a rather bizarre (but probably not that unusual) story about a woman who was wheelchair bound and was taken to a local hospital's emergency room because she was unable to get her legs to function. Allegedly, a hospital employee attempted to move her from the vehicle she arrived in to a wheelchair and dropped her, breaking both of her legs. The physicians explained to the family that this released an inordinate amount of potassium in her body, which caused her major organs to shut down. The woman ultimately died within a few weeks from renal failure. What first appeared to be a case of medical negligence became one of wrongful death/medical malpractice. Attorneys have indicated that although the woman had family, she was unmarried and had no children who by law could file a claim on her behalf. According to

the email, it appears the hospital owes nothing and there are no consequences.

According to an Institute of Medicine Report – *To Err is Human*, 98,000 die every year from preventable medical errors. Medical errors are the sixth leading cause of death in America, equivalent to two 737s crashing every day for a whole year! Further, The Institute for Healthcare Improvement estimates there are 15 million incidents of medical harm each year.

Legally, medical malpractice is a term that refers to any medical mistake made by a doctor, or other medical professional, that leads to personal injury or wrongful death. Unfortunately, much of the medical negligence policy debate has revolved around doctors' insurance premiums rather than around preventable medical errors. The Centers for Disease Control has stated that we could prevent many medical errors through better practice of preventive health care.

Currently, the Senate bill includes the Malpractice Reform Amendment, This amendment authorizes over \$50 million grants to states to test alternatives to civil tort litigation, including emphasis on patient safety, disclosure of health care errors, and the early resolution of disputes ...while preserving an individual's right to seek redress in court. When Congress returns in the New Year, a large part of the continuing health care debate will focus on the cost of health care and the driving factors behind it. Some of the discussion will focus on "Tort Reform." Whether you are for or against it, we should all encourage Congress to act boldly to develop and implement plans to reduce and/or eliminate preventable medical errors, thus improving patient safety and ensuring a better quality of life for everyone.

Sources:

The report Medical Negligence: A primer for the nation's health care debate.
http://www.justice.org/resources/Medical_Negligence_Primer.pdf

American Association for Justice - <http://www.justice.org/cps/rde/xchg/justice/hs.xsl/2031.htm>

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