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Ten Notable Physician-related Malpractice Statistics

By Aubrey Westgate

Which specialties face malpractice lawsuits most often? Which patients are most likely to sue you - and sue you successfully? How do malpractice payout amounts in your state compare to others? Those questions, and more, are answered here.

1. Most physicians will face a malpractice lawsuit at some point in their careers. More than 61 percent of doctors older than 55 have been sued at least once, according to the AMA. The finding, appearing in a 2010 report, is based on a survey of 5,825 physicians from the 2007-2008 Physician Practice Information (PPI) survey.

2. Failure to diagnose is a leading driver of malpractice allegations. Failure to diagnose accounted for the highest percentage of malpractice allegations in 2012, according to an infographic put forth by medical malpractice insurer Diederich Healthcare based on information pulled from the National Practitioner Data Bank. That's not too surprising considering that a 2012 study appearing in

Please take a moment to read this interesting article from physicianspractice.com. It addresses some of the questions that are most commonly asked of me when I discuss the current trends in malpractice claims.

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3. General surgery and OB/GYN physicians are most likely to be sued. Nearly 70 percent of physicians surveyed in these specialties had been sued, and 50 percent of physicians in these specialties had been sued twice, according to the AMA report.

4. Pediatricians and psychiatrists are least likely to be sued. Less than 30 percent of physicians in these specialties had been sued, and less than 10 percent of them had been sued more than once, according to the AMA report.

5. More malpractice payouts are made to female patients. Fifty seven percent of malpractice payouts in 2012 were made to female patients, while 43 percent were made to males, according to the Diederich report.

6. Patients aged 40-59 account for the highest number of malpractice payouts. For both male and female patients, the group accounting for the highest number of malpractice payouts was patients between the ages of 40-59. The group accounting for the lowest number of payouts was patients age 80 and over, according to the Diederich report.

7. Physicians often win malpractice lawsuits. A study appearing in the New England Journal of Medicine in 2011 found that while most physicians will be sued at least once for malpractice before age 65, claims brought against physicians seldom result in payment to the plaintiff. The report was based on physician-level malpractice claims obtained from a large professional liability insurer.

8. Malpractice payouts are costing less. In 2012, a total of 12,142 malpractice payouts were made. Those payouts amounted to $3.6 billion. While $3.6 billion is a big number, it's 3.4 percent lower than the total amount paid out for malpractice in 2011, according to the Diederich report. In fact, the total payout amount each year has steadily dropped since 2003.

9. Most payouts are due to settlements, not judgments. Ninety three percent of payouts made in 2012 were the result of a settlement. Only five percent were due to judgments, according to the Diederich report.

10. Five states continue to have the highest payout rates. Five states represented nearly 50
percent of total malpractice payouts in 2012, according to the Diederich report. They are: Florida, New Jersey, California, Pennsylvania, and New York - the same states with the highest payouts in 2011, with the exception of California (which stole a top five spot from Illinois). New York had the highest total payout amount: $763 million - up from $677 million in 2012, and more than double Pennsylvania, which had the second highest total payout amount.

What do you think of the above malpractice findings? Do they match up to what you would expect and what you have experienced?