



## **What's the Connection Between Patient Safety, Health Reform and Liability Reform?**

Here's one view:

"CTLA applauds CMS and the current administration on their serious efforts to improve access to healthcare. This is an important policy consideration within Colorado's overall approach to healthcare policy. However, CTLA rejects in its entirety the proposition that conditions under which injured patients can pursue litigation is a healthcare policy issue." Colorado Trial Lawyers Association memo to Colorado Medical Society, February, 2009

Here are some others:

"The current liability system hampers efforts to identify and learn from errors, and likely encourages 'defensive medicine.' Many instances of negligence do not give rise to lawsuits, and many legal claims do not relate to negligent care...The committee believes that changes in the liability system are a critical component of health system redesign." Institute of Medicine of the National Academies, November, 2002

"The normal human resistance to change was amplified by fear of loss of autonomy, antipathy towards attempts by others outside the profession to improve practice, and skepticism about the new concept that that systems failures are the underlying cause of most human errors. An understandable fear of malpractice liability inhibits willingness to discuss, or even admit, errors." Leape/Berwick, Journal of the American Medical Association, May, 2005

**Litigation Threats** (to quality improvement efforts) – "The committee counsels a health care culture that is transparent, open, safe, and honest about its defects and performance. Tort reform is an important step toward the conditions for a twenty-first-century health care system. We badly need at least one courageous, time-limited experiment on a no-fault tort system at a statewide or regional level with enterprise-level responsibility for compensating victims of medical injury." Berwick, Health Affairs, 2002

"Improving quality is a central part of our health reform agenda as we lead Colorado forward and re-shape the future of care in Colorado. A key part of improving quality is improving patient safety..." Gov. Bill Ritter, press release announcing Patient Safety Executive Order, March 31, 2009

**In summary:** Liability reform is essential to effective health reform because it is a key ingredient for improving quality and reducing costs. The current litigation system creates a culture of "shame and blame" that discourages providers from admitting errors and taking the steps necessary to guard against them in the future. If we are truly serious about improving health care quality and reducing the human and financial costs associated with errors, we must have an accountability system that fosters openness and facilitates improvements.