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INDUSTRY ASSOCIATION
OF AUSTRALIA

Practical and Defensive Medicine

Dr Jonathan Burdon
Chair, MIIAA

The member organisations
of the MIIAA provide
medical indemnity services
to over 70% of Australia's
medical practitioners.

Introduction

- Defensive medicine is not new !



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Definition 1

- ‘a clinical decision or action motivated in whole or in part by the desire to protect oneself from a malpractice suit or to serve as a reliable defence if such a suit occurs’

De Ville, K. Theoretical Medicine and Bioethics 1998:19;569



Definition 2

- ‘is a deviation from sound medical practice that is induced primarily by a threat of liability’

Studdert DM et al. JAMA 2005:293;2609



Defensive Medicine - Reasons

- More demanding and litigious community
- Fear of a suit or complaint
- Fear of 'missing something' e.g. remote or unlikely diagnoses
- Fear of relying on clinical skills and judgment
- Computerisation - easier to order tests



Defensive Medicine - Types

- 'Assurance' behaviour
- 'Avoidance' behaviour



'Assurance' Behaviour – 'Positive DM'

- Involves supplying additional services of marginal or no medical value with the aim of:
 - Reducing unwanted outcomes
 - Deterring patients from suing or complaining
 - Persuading the legal system that the standard of care was met



'Avoidance' Behaviour – 'Negative DM'

- Reflects doctors' efforts to distance themselves from sources of legal risk



Defensive Medicine May

- Supplement care – additional tests & Rx
- Replace care – referral to other Dr or healthcare facility
- Reduce care – refusal to Rx some patients or conditions

Is Defensive Medicine Real?

USA Study of High Risk Specialties 2005

- A&E, orthopaedics, neurosurgery, O&G, general surgeons
- 824 physicians polled, 65% response rate
- 93% reported practicing defensive medicine
- 92% ordered more tests, referrals, diagnostic procedures
- 43% reported ordering unnecessary x-rays
- Many reported a lack of confidence in the MDO!

Studdert DM et al JAMA 2005



Medical Observer Study 2006

- 96% doctors' work influenced by fear of litigation
- 25% increase in tests 2000/01 cf 2004/05
- Increase across all types of investigations



Division of General Practice Study SE & Eastern Sydney 2008

- Questionnaire

- 59% avoided certain procedures
- 29% stopped caring for high risk patients
- 83% referred to specialists unnecessarily
- 70% prescribed more meds than indicated
- 83% ordered more tests
- 66% often sought advice from another
- 49% might suggest unnecessary procedures



Salem O et al. JLM 2009;17:235

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Cost of Defensive Medicine

- Increased financial cost
- Difficulty in calculation → inconsistent results
- Reduction in availability of services
- Increase in morbidity and mortality



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This Session – Different Perspectives

- The clinician
- The lawyer
- The indemnifier