



Differences in Defensive Practices between Neurosurgeons in Malpractice Crisis versus Non-Crisis States

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Introduction

As medical liability and malpractice concerns continue to rise to crisis levels in many parts of the United States, defensive medicine fuels management decisions and drives healthcare expenditures. In this study, we present a 2011 survey of US neurosurgeons’ defensive medicine practices in malpractice crisis versus non-crisis states.

Methods

A validated 51-question survey, available through an anonymous online survey instrument, was sent to all 4672 United States neurosurgeon members of the American Association of Neurological Surgeons (AANS). States were designated malpractice crisis or non-crisis states based upon the American Medical Association’s analysis of malpractice lawsuits. The survey was conducted over 6 weeks. Multiple regression analysis was used.

Results

A total of 1028 surveys were completed (31% response rate) by neurosurgeons representing diverse practices. Respondents engaged in defensive medicine practices by ordering additional imaging studies (72%) and laboratory tests (67%), referring patients to consultants (66%), or prescribing medications (40%). There were significant differences between malpractice crisis and non-crisis states, with neurosurgeons in crisis states more likely to acknowledge increased defensive practices, specifically ordering: additional laboratory tests (coeff = .05, CI +/- .016, p = .001), additional imaging (coeff= .04, CI +/- .017, p = .012), and outside consultations (coeff = .03, CI +/- .016, p = .017) relative to neurosurgeons in non-crisis states. Neurosurgeons in crisis states were more likely to view liability insurance premiums as a significant burden (coeff = .08, CI +/- .018, p = 0.0).

Conclusions

Medical liability concerns have affected practice patterns, and in some areas, these concerns have fueled neurosurgeons’ defensive practices. Malpractice fuels increased medical costs and influences clinical decision-making.

Learning Objectives

- Learn about trends in malpractice nationally
- Understand perceptions related to defensive medicine

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