

PHYSICIAN ASSISTANT LIABILITY: NATIONAL PRACTITIONER DATA BANK ANALYSIS

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Study Objectives

- Describe trends in Physician Assistant, Physician, and Nurse Practitioner liability from 2005-2014.
- List types of practice allegations resulting in successful malpractice actions.
- Describe liability actions as baseline estimates of Physician Assistant medical error.

National Practitioner Data Bank (NPDB)

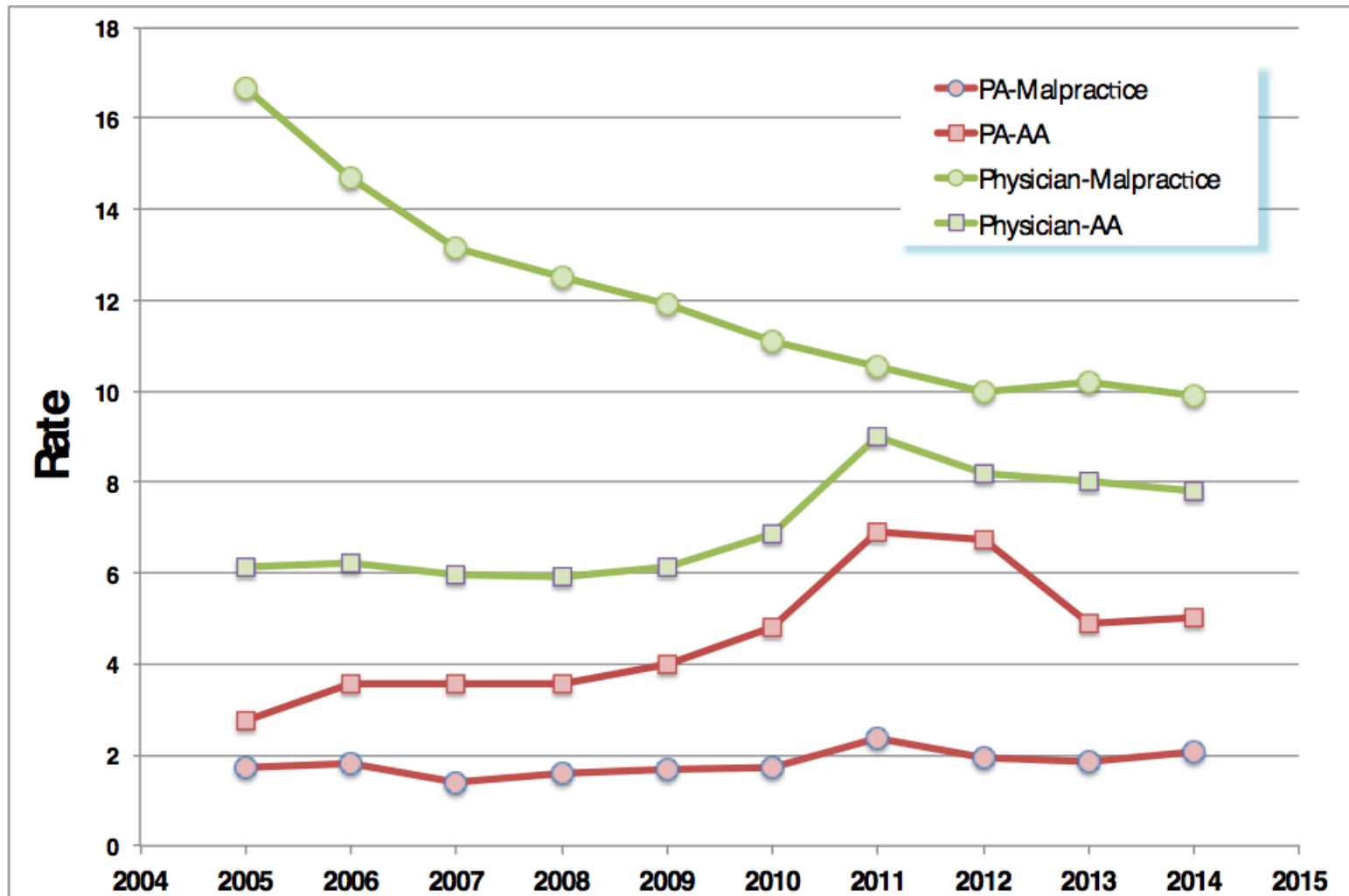
- Established under **Title IV of Public Law 99-660 of the Health Care Quality Improvement Act of 1986**.
- A **national registry of recorded actions**—required reports of malpractice payments and adverse actions.
- **Malpractice** refers to misconduct, unprofessional conduct, mismanagement, or negligence.
- **Liability** refers to legal responsibility, accountability responsibility, or charge.
- **Adverse actions** can involve licensure, clinical privileges, professional society membership, and exclusions from Medicare and Medicaid participation.

Adverse Actions and Malpractice Counts (2005-2014)

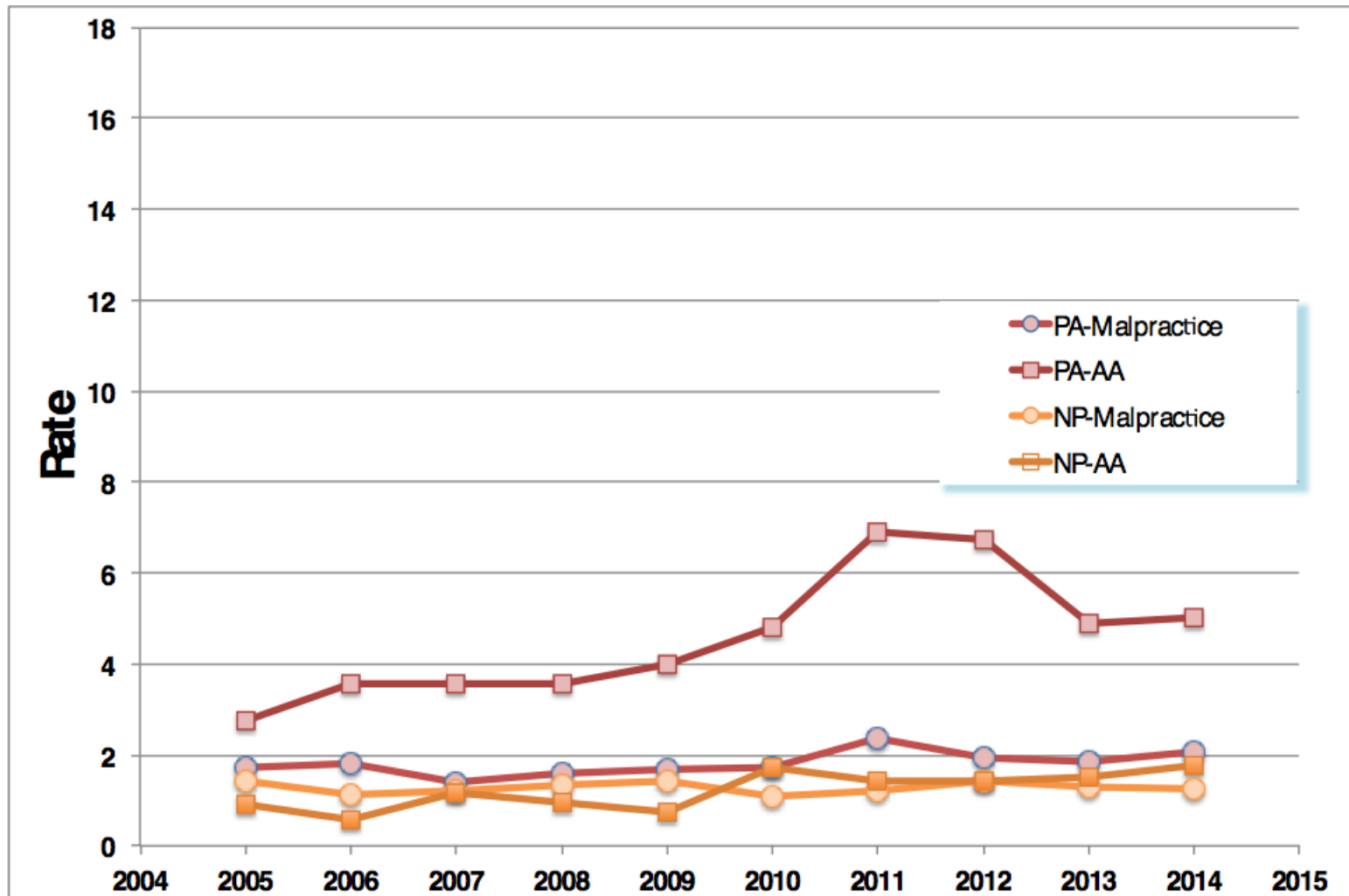
License	Adverse Action		Malpractice		Total	Unique Providers	
Physician Assistant	3,621	71.9%	1,415	28.1%	5,036	3,061	2.9%
Physician	63,634	37.1%	108,038	62.9%	171,672	99,877	94.9%
Nurse Practitioner	1,440	50.0%	1,442	50.0%	2,882	2,258	2.1%
Total	68,695	38.3%	110,895	61.7%	179,590	105,196	99.9%

* 0.1% (n=93) of unique providers had actions under multiple licenses (e.g., PA and Physician)

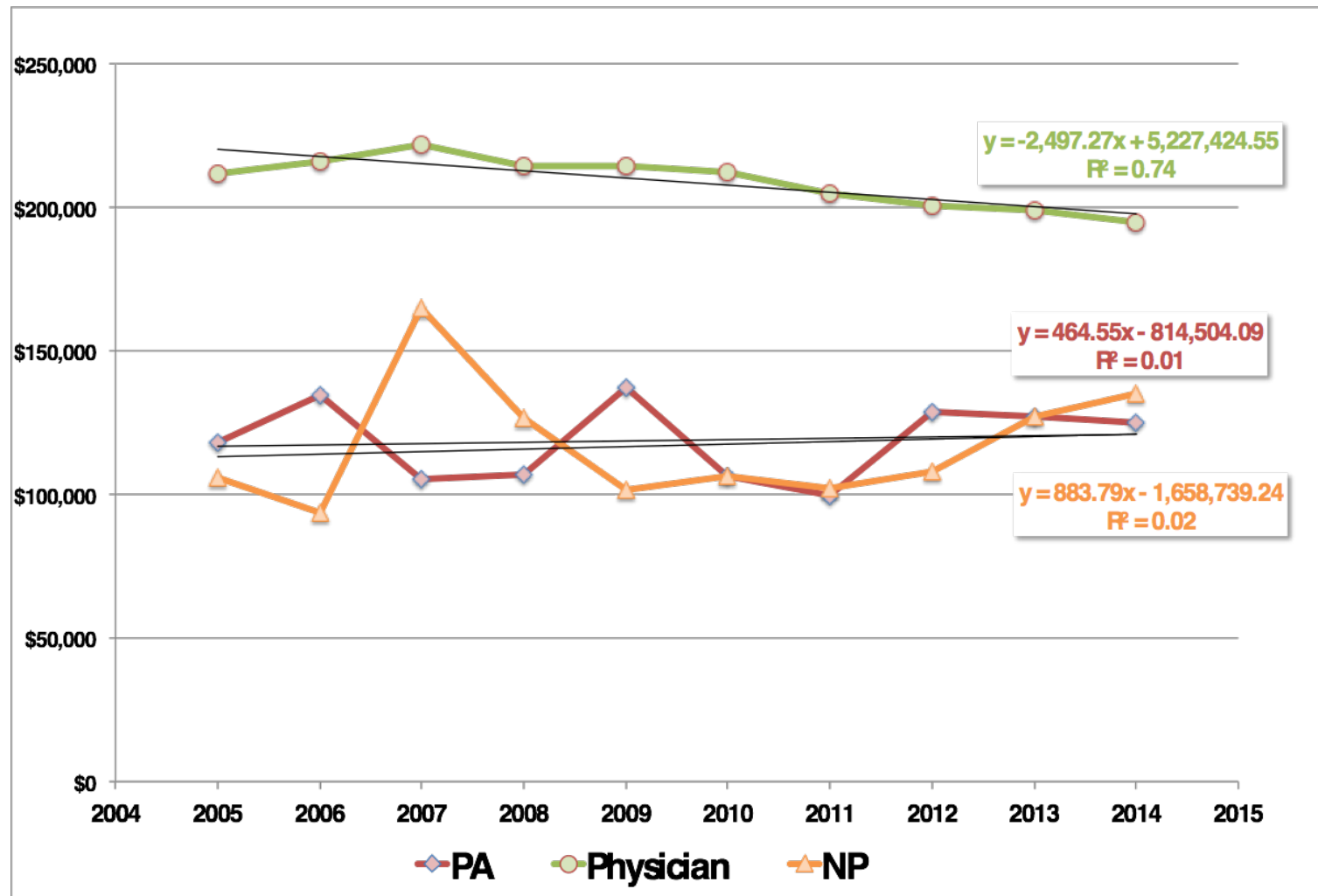
PA and Physician Rates of Malpractice and Adverse Actions Per 1000 Providers



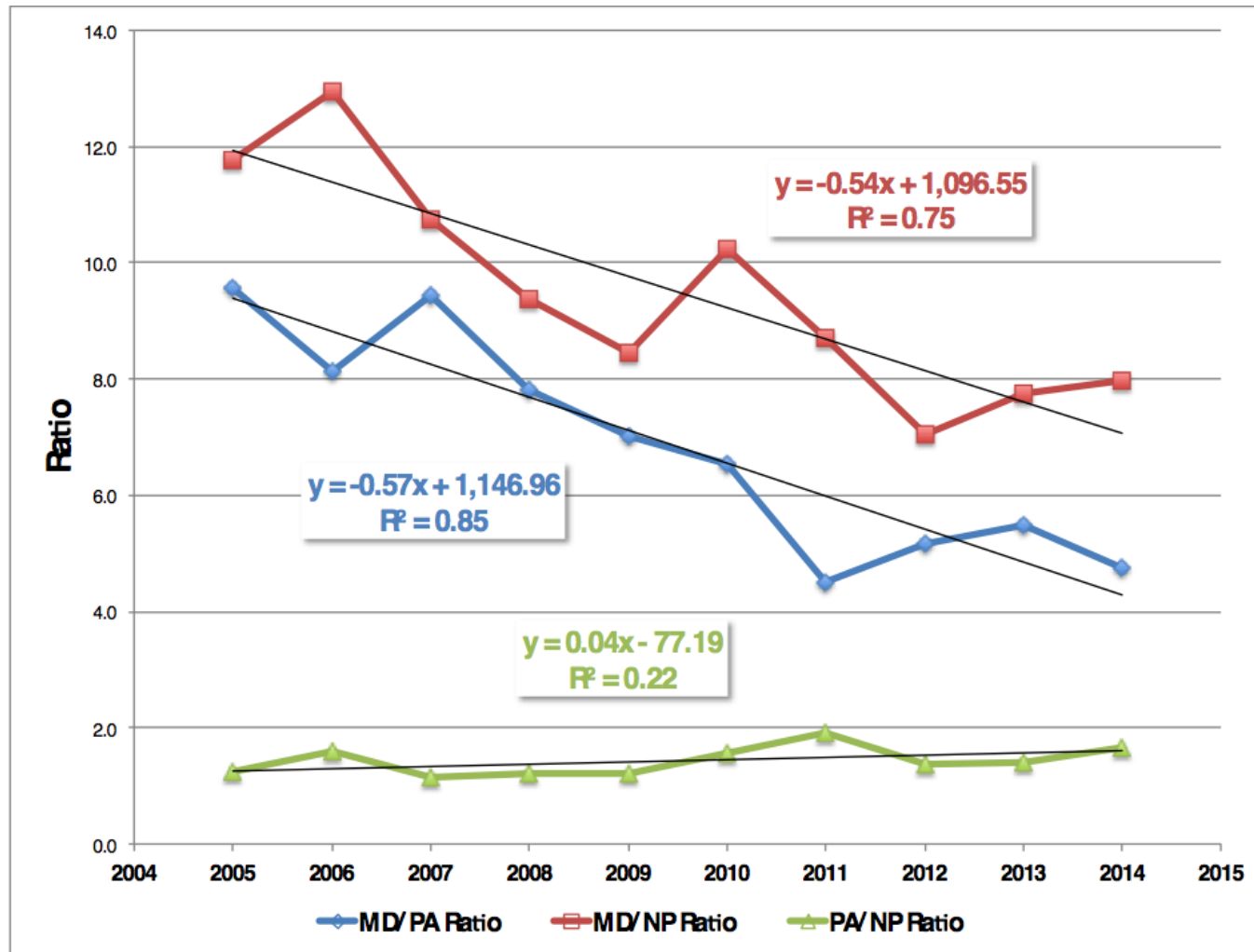
PA and Nurse Practitioner Rates of Malpractice and Adverse Actions Per 1000 Providers



Median Malpractice Payments



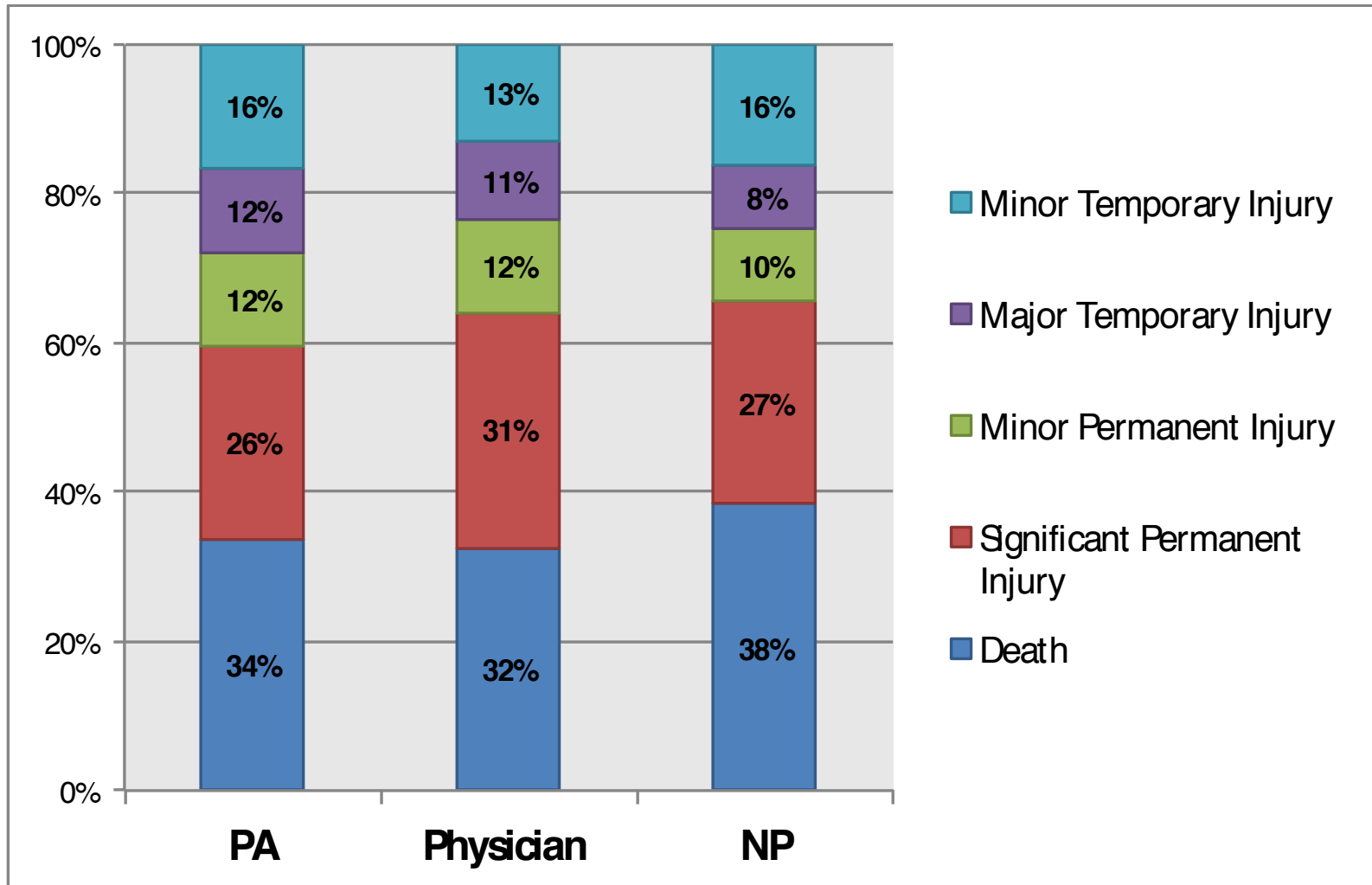
MD / PA, MD / NP, and PA / NP Malpractice Risk Ratios



Most Common Malpractice Allegations

Malpractice Allegation	PA	Physician	NP	All
Diagnosis Related	52.8%	31.8%	40.6%	32.2%
Treatment Related	26.6%	19.6%	32.2%	19.8%
Medication Related	9.3%	5.2%	12.8%	5.3%
Surgery Related	4.0%	26.6%	1.8%	26.0%
Monitoring Related	2.5%	3.1%	4.8%	3.1%
Obstetrics Related	0.7%	7.6%	3.7%	7.4%
Equipment/Product Related	0.5%	0.6%	0.3%	0.6%
Anesthesia Related	0.4%	2.7%	1.1%	2.7%
Behavioral Health Related	0.2%	0.4%	1.1%	0.4%
IV & Blood Products Related	0.1%	0.2%	0.1%	0.2%
Other Miscellaneous	2.8%	2.3%	1.5%	2.3%

Allegations: Severity of Event



Medical Error

- (1) Failure of a planned action to be completed as intended or use of a wrong plan to achieve an aim; the accumulation of errors results in accidents.
- (2) Failure to complete a planned action as intended, or the use of an incorrect plan of action to achieve a given aim.
- (3) The failure of a planned action to be completed as intended or the use of a wrong plan to achieve an aim.

Medical Error

- Has been established as common
 - Institute of Medicine “To Err is Human” (2000)
 - Estimated 44,000-98,000 annual deaths
- Resistant to large scale improvement
 - James (2013)
 - Recent estimates of 210,000-440,000 annual deaths
 - Serious harm estimated as 10-20 times more common than death
- Increasing focus on diagnosis
 - National Academies of Sciences, Engineering and Medicine (2015)
 - Leading cause of paid malpractice claims
 - Estimates 10% of patient deaths attributable to diagnostic error

Questions?