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)

<table>
<thead>
<tr>
<th>License</th>
<th>Adverse Action</th>
<th>Malpractice</th>
<th>Total</th>
<th>Unique Providers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physician Assistant</td>
<td>3,621</td>
<td>1,415</td>
<td>5,036</td>
<td>3,061</td>
</tr>
<tr>
<td></td>
<td>71.9%</td>
<td>28.1%</td>
<td>5,036</td>
<td>3,061</td>
</tr>
<tr>
<td>Physician</td>
<td>63,634</td>
<td>108,038</td>
<td>171,672</td>
<td>99,877</td>
</tr>
<tr>
<td></td>
<td>37.1%</td>
<td>62.9%</td>
<td>171,672</td>
<td>99,877</td>
</tr>
<tr>
<td>Nurse Practitioner</td>
<td>1,440</td>
<td>1,442</td>
<td>2,882</td>
<td>2,258</td>
</tr>
<tr>
<td></td>
<td>50.0%</td>
<td>50.0%</td>
<td>2,882</td>
<td>2,258</td>
</tr>
<tr>
<td>Total</td>
<td>68,695</td>
<td>110,895</td>
<td>179,590</td>
<td>105,196</td>
</tr>
<tr>
<td></td>
<td>38.3%</td>
<td>61.7%</td>
<td>179,590</td>
<td>105,196</td>
</tr>
</tbody>
</table>

* 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

- Physician: \( y = -2,497.27x + 5,227,424.55 \)
  \( R^2 = 0.74 \)

- PA: \( y = 464.55x - 814,504.09 \)
  \( R^2 = 0.01 \)

- NP: \( y = 883.79x - 1,658,739.24 \)
  \( R^2 = 0.02 \)

Graph shows the trend of median malpractice payments from 2004 to 2015 for different healthcare providers.
MD / PA, MD / NP, and PA / NP Malpractice Risk Ratios

![Graph showing risk ratios over years with regression lines and R² values.]

- **MD/PA Ratio**: $y = -0.57x + 1,146.96$, $R^2 = 0.85$
- **MD/NP Ratio**: $y = -0.54x + 1,096.55$, $R^2 = 0.75$
- **PA/NP Ratio**: $y = 0.04x - 77.19$, $R^2 = 0.22$
# Most Common Malpractice Allegations

<table>
<thead>
<tr>
<th>Malpractice Allegation</th>
<th>PA</th>
<th>Physician</th>
<th>NP</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diagnosis Related</td>
<td>52.8%</td>
<td>31.8%</td>
<td>40.6%</td>
<td>32.2%</td>
</tr>
<tr>
<td>Treatment Related</td>
<td>26.6%</td>
<td>19.6%</td>
<td>32.2%</td>
<td>19.8%</td>
</tr>
<tr>
<td>Medication Related</td>
<td>9.3%</td>
<td>5.2%</td>
<td>12.8%</td>
<td>5.3%</td>
</tr>
<tr>
<td>Surgery Related</td>
<td>4.0%</td>
<td>26.6%</td>
<td>1.8%</td>
<td>26.0%</td>
</tr>
<tr>
<td>Monitoring Related</td>
<td>2.5%</td>
<td>3.1%</td>
<td>4.8%</td>
<td>3.1%</td>
</tr>
<tr>
<td>Obstetrics Related</td>
<td>0.7%</td>
<td>7.6%</td>
<td>3.7%</td>
<td>7.4%</td>
</tr>
<tr>
<td>Equipment/Product Related</td>
<td>0.5%</td>
<td>0.6%</td>
<td>0.3%</td>
<td>0.6%</td>
</tr>
<tr>
<td>Anesthesia Related</td>
<td>0.4%</td>
<td>2.7%</td>
<td>1.1%</td>
<td>2.7%</td>
</tr>
<tr>
<td>Behavioral Health Related</td>
<td>0.2%</td>
<td>0.4%</td>
<td>1.1%</td>
<td>0.4%</td>
</tr>
<tr>
<td>IV &amp; Blood Products Related</td>
<td>0.1%</td>
<td>0.2%</td>
<td>0.1%</td>
<td>0.2%</td>
</tr>
<tr>
<td>Other Miscellaneous</td>
<td>2.8%</td>
<td>2.3%</td>
<td>1.5%</td>
<td>2.3%</td>
</tr>
</tbody>
</table>
Allegations: Severity of Event

- PA
  - Minor Temporary Injury: 34%
  - Major Temporary Injury: 12%
  - Minor Permanent Injury: 12%
  - Significant Permanent Injury: 26%
  - Death: 8%

- Physician
  - Minor Temporary Injury: 32%
  - Major Temporary Injury: 11%
  - Minor Permanent Injury: 12%
  - Significant Permanent Injury: 31%
  - Death: 10%

- NP
  - Minor Temporary Injury: 38%
  - Major Temporary Injury: 8%
  - Minor Permanent Injury: 10%
  - Significant Permanent Injury: 27%
  - Death: 16%
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
    - Leading cause of paid malpractice claims
    - Estimates 10% of patient deaths attributable to diagnostic error
Questions?