

## **MEDICAL LIABILITY AND DEFENSIVE MEDICINE**



**By ANASTASIOS VASIADIS**

The recent circular of the Greek Ministry of Finance according to which Public Hospitals will be exempted from compensating patients who developed complications during their hospitalisation, has produced sharp reactions; the full responsibility for the compensations will be transferred to physicians working at the NHS.

According to this circular, the judges' compensations for damages that have been authorized against NHS hospitals will be transferred to physicians to prevent exceeding the hospitals' budgets.

This particular Circular marks the comeback of a critical situation we were dealing with the previous years where the private insurance companies blatantly considered doctors as potential insured clients.

Because of the new decision of the Ministry of Finance, the insurance companies have already intensified their efforts to increase their sales and benefit from the increased demands required by doctors to deal with. As a result, the insurance companies approach doctors with the intention to make them sign private insurance contracts to cover professional liability.

We need to highlight that the professional liability of physicians concerns mostly surgical specialties, less general medicine specialties and even lesser laboratory specialties.

It is known that in our country there is no public insurance coverage for the doctors' professional liability.

As a result, private insurance companies seek to cover this inadequacy by providing individual contracts for doctors, whose activities are fraught with dangers and substantial professional liability.

In the past years, law firms in Greece were on the hunt for patients who had developed complications during their hospitalization. Afterwards, they suggested the patients to sue the doctors who had treated them.

The aforementioned law firms were collecting a considerable amount of money that the convicted doctors were called to pay.

It was not unusual for law firms to collaborate with insurance companies with the intention to convince doctors to sign contracts of professional indemnity insurance, to avoid future lawsuits.

At the time, some Public Hospitals had expressed an interest to sign collective insurance contracts of professional liability for their doctors, but with the security expenses covered by the very same doctors.

The medical sectors have demanded that hospitals covered the expenses of their doctors for the medical professional liability insurance.

Up until today, this request has not been accepted, thus, each hospital doctor needs to sign a personal insurance contract for their medical liability, so as to be covered while practicing medicine.

The imminent danger of massive lawsuits against hospital doctors from specialized law firms is expected to lead to serious consequences, as far as medical practice is concerned and to epidemiological consequences.

The fiscal measures that impacted the health section – among others – resulted in a dramatic decrease of doctors' wages. As a result, most physicians cannot afford the insurance premium, much more the compensation, in case they are convicted. As the same time, the prevailing conditions at the country's public hospitals, as well as their shortfalls increase the chances of malpractice, which is something we all wish to avoid.

Therefore in order to be protected physically and professionally, the doctors will prefer to choose the so called *defensive medicine*, whilst avoiding surgical treatments; they will also prefer to administer conservative treatments.

This epidemiological data expected from this situation will mark a dramatic decrease of the healthcare quality and will create a negative impact on public health.

In order to prevent these negative developments for citizens' healthcare, it is necessary to withdraw this provocative circular of the Minister of Finance and to introduce collective insurance contracts for the medical liability of all doctors working in Public Hospitals.

Citizens' health and quality healthcare cannot be despised for the sake of cruel financial numbers.