

Analysis of medical malpractice news in newspapers: a retrospective review

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ABSTRACT

Aims: The aim of this study was to determine which types of medical malpractice occurred and how they resulted by analyzing the medical malpractice news reflected in the newspapers in Turkey.

Methods: This descriptive and retrospective study was conducted on April 1-30, 2024. The virtual archives of seven national newspapers with the highest circulation (Sabah, Türkiye, Hurriyet, Sozcu, Akşam, Milliyet, Posta) were scanned using the keywords “nurse”, “doctor”, “health”, “nurse errors”, “doctor errors”, “medical error”, “wrong medicine”, “wrong surgery”, “wrong diagnosis”, “wrong treatment”, “wrong blood” and “wrong patient”. The population of the study consisted of 144 news articles.

Results: It was observed that most of the news about medical malpractice in newspapers were in 2017 and 2021, and 74.3% of them were performed by doctors. It was determined that the most common medical malpractice was surgical errors, followed by medication errors, death occurred in 38.2% of the cases as a result of malpractice, followed by disability/organ loss, and in the majority of cases, criminal complaints were filed as a result of malpractice.

Conclusion: The study revealed that medical malpractice errors reported in the news were mostly committed by physicians and surgical errors, and death and disability occurred as a result of medical malpractice. Further studies examining the factors affecting the occurrence of medical malpractice that may lead to death are recommended.

Keywords: Malpractice malpractice, newspaper news, nursing, drug applications

INTRODUCTION

Health is defined as a state of complete physical, mental and social well-being [World Health Organization (WHO) 2006]. In the event that the well-being of the individual deteriorates for any reason, the individual applies to institutions that provide health services in order to regain his/her health or to maintain the continuity of his/her health. The healing power provided to individuals for disease prevention, diagnosis and treatment provided by health institutions is called health service (Uyurdağ et al., 2022). In health services provided by health personnel, undesirable events may occur and the individual may suffer harm instead of benefit. Therefore, accurate and high-quality provision of healthcare services is very important for every individual who is likely to face possible risks and who expects safe healthcare services (Çarıkçı et al., 2021).

Medical malpractice is defined as medical malpractice that causes undesirable consequences such as death and disability in the patient (Değtaş, 2018). It is mostly caused by situations such as negligence, imprudence, carelessness, lack

of professional skills, lack of care, fatigue, feeling of burnout, failure to comply with regulations and rules by health professionals. The concept of medical error includes the concept of medical malpractice. While medical malpractice represents a definite harm as a result of the error, medical error may not cause definite harm to the patient even if there is an error (Çarıkçı et al., 2021).

According to the WHO (2023), medical errors include medication errors, surgical errors, diagnostic errors, patient misidentification, infections, patient falls, pressure ulcers, blood transfusion errors and venous thromboembolism. The most common medical errors are surgical errors and medication errors. One out of every ten patients in the world suffers harm instead of benefit from healthcare services (Slawomirski & Klazinga, 2020). Half of this harm is caused by medication errors. Medication errors are categorized as wrong drug, wrong dose, wrong patient, wrong route of administration, wrong time, wrong speed of administration (WHO, 2023). The fact that the task of administering drug

therapy to the patient is the responsibility of nurses and that the majority of these errors are preventable reveals the importance and role of the nursing profession (Kırşan et al., 2019).

Provision of health services always brings challenging processes due to factors such as working conditions and working environment. Health services provided by health professionals continuously to meet the care needs of patients are affected by many reasons such as shift work, problems in workflow, insufficient number of personnel, workload, conflicts within the health team, economic problems and communication problems (Aktan & Atay, 2021). In a study conducted on the reasons for nurses to make medical errors, it was determined that long working hours increased the tendency to make medical errors (Er & Altuntaş, 2016). In another study, it was shown that nurses working with the shift system had a much higher tendency to make medical errors compared to nurses working during the day (Kandemir & Yüksel, 2020). In a study conducted by Karacabay et al. (2020), it was determined that nurses with 11 years or more of working experience in their professional life had a low tendency towards medical errors. In a study conducted with pediatric nurses, it was found that the tendency of nurses with bachelor's and master's degrees to make medical errors was lower than high school graduates (Tural et al., 2021).

In order to prevent medical errors before they occur, they must first be defined in every dimension. Today, with the development of technology and communication, the easy accessibility of information allows us to be aware of every situation encountered in the field of health (Aktan & Atay, 2021). In addition, these errors can create situations that bring about judicial processes and even lead to death. Medical malpractice is reflected in the media through written communication organs. Written communication tools have a great share in the society's being informed about medical malpractice, raising awareness, gaining awareness and seeking their rights in action (Avşar et al., 2016). Defining medical malpractice incidents, determining the underlying causes and prevalence are very important in taking possible measures, managing the process and producing solutions. Medical malpractice should be prevented or investigated to minimize it in order to ensure patient safety, increase the trust and satisfaction of the society in the healthcare system, obtain positive health outcomes and increase the motivation and job satisfaction of healthcare providers.

METHODS

Ethical Approval

Since secondary data were used in this study, ethical approval was not required. This article complied with the rules of research and publication ethics.

Purpose of the Study

The aim of the study is to examine the medical malpractice news reflected in the newspapers of the last 10 years according to some variables. For this purpose, answers to the following questions were sought;

- What is the distribution of medical malpractice in the last 10 years?
- By whom, where and in which type are medical malpractice errors committed?

- What is the level of impact of those exposed to medical malpractice and how is the legal process?

Research Implementation

This descriptive and retrospective study was conducted between April 1-30, 2024. Before starting the study, the researchers contacted the Press Advertisement Agency and asked for a list of the newspapers with the highest circulation. The seven national newspapers with the highest circulation (Sabah, Türkiye, Hürriyet, Sozcu, Akşam, Milliyet, Posta) were determined in line with the information provided by the Press Advertisement Agency via e-mail. To collect the data, the virtual archives of seven national newspapers were accessed and scanned with the keywords "nurse", "doctor", "health", "nurse errors", "doctor errors", "medical error", "wrong medicine", "wrong surgery", "wrong diagnosis", "wrong treatment", "wrong treatment", "wrong blood" and "wrong patient". As a result of the scanning, a total of 2919 news reports were reached, and 144 news reports constituted the population of the study after the repeated news reports and those with different content were removed. The distribution of the news on medical malpractice in the last 10 years, by whom and where the error was made, the types of errors, the final status of the person exposed to the error, whether the news were sufficient in terms of content, and the domestic and international distribution levels were analyzed.

Data Collection Form

In this form developed by the researchers, there are eight questions including the variables examined within the scope of the research on medical malpractice.

Statistical Analysis

After the data were collected, they were transferred to Microsoft Excel. Numbers and percentages were used to analyze and present the data.

RESULTS

In the study in which medical malpractice news for the last 10 years were analyzed, 144 news were found. The distribution of the medical errors according to some variables is presented in the tables below.

Table 1 shows the distribution of medical malpractice according to years. In the analysis, it was determined that the most medical malpractice occurred in 2017 and 2021 with 13.9%, and the least medical malpractice occurred in 2019 with 4.1%.

Table 1. Distribution of medical malpractice cases in newspapers by years

Year	n	%
2014	8	5.5
2015	10	7.0
2016	16	11.1
2017	20	13.9
2018	18	12.5
2019	6	4.1
2020	10	7.0
2021	20	13.9
2022	19	13.1
2023	17	11.9
Total	144	100

Table 2 shows the distribution of medical malpractice committed by whom. Medical malpractice was mostly committed by physicians with 74.3% and by nurses with 9.0%.

Causing medical malpractice	n	%
Doctor	107	74.3
Nurse	13	9.0
Dentist	8	5.5
Doctor and nurse	4	2.8
Uncertain	4	2.8
Health personnel	4	2.8
Beauty expert	2	1.4
Pharmacist	1	0.7
Circumcision	1	0.7
Total	144	100

Table 3 shows the distribution of the places where medical malpractice occurred. Medical malpractice occurred most frequently (37.5%) in private hospitals and least frequently at home.

Place of medical malpractice	n	%
Private hospital	54	37.5
State hospital	48	33.3
Uncertain	16	11.1
University hospital	12	8.3
Private clinic	11	7.7
Family health center	2	1.4
Other (home)	1	0.7
Total	144	100

Table 4 shows the distribution of medical malpractice types. The most common type of medical malpractice was “surgical errors” and the least common type was “patient falls”.

Type of medical malpractice	n	%
Surgical errors	72	50.0
Medication errors	36	25.0
Diagnostic errors	19	13.2
Blood transfusion errors	6	4.1
Infections	5	3.5
Patient misidentification	3	2.1
Neglect	2	1.4
Patient falling	1	0.7
Total	144	100

Table 5 presents data on the final status of the person as a result of medical malpractice. When the analyzed data are analyzed, it is seen that the highest rate of death and disability/organ loss occurred as a result of medical malpractice. It was determined that 38.2% of the individuals who were subjected to medical malpractice died and 27.8% experienced disability and organ loss. It was observed that 26.4% of the individuals’ disease worsened and 7.6% of the individuals’ disease improved.

When the data in Table 6 are analyzed, it is seen that the highest level (36.1%) is criminal complaint/complaint. It is seen that 25.7% of medical malpractice cases are in the judicial and investigation stage.

Last status of the person	n	%
Death	55	38.2
Disability/loss of organ	40	27.8
His/her illness worsened	38	26.4
His/her illness has been cured	11	7.6
Total	144	100

Legal process	n	%
Criminal complaint/complaint	52	36.1
Judiciary/investigation	37	25.7
Uncertain	40	27.8
Compensation penalty	11	7.6
Imprisonment	2	1.4
Judicial control	1	0.7
Dismissal	1	0.7
Total	144	100

Table 7 presents data on the content of news on medical malpractice. It is seen that 83.3% of the news items provide sufficient information, while 16.6% have deficiencies in content.

News content	n	%
Sufficient	120	83.3
Insufficient	24	16.7
Total	144	100

Table 8 shows that 88.9% of the news on medical malpractice occurred in Türkiye and 11.1% occurred abroad.

The place where it was made	n	%
Türkiye	128	88.9
Outside Türkiye	16	11.1
Total	144	100

DISCUSSION

Within the scope of the research conducted to examine medical errors, 144 news articles were analyzed. It was determined that most of these news articles were published in 2017 and 2021. In a study conducted in England, it was observed that medical malpractice cases more than doubled from 2007 to 2012 (Bourne, 2016), and in a study conducted in Taiwan, the number of medical error cases increased four times more in 2007 than in 2004 (Chen, 2012; Hwang, 2018). Especially in situations such as the COVID-19 pandemic, the duties and responsibilities of healthcare workers increase much more (ILO, 2021). In our country, it is expected that long working hours and heavy workload will affect the provision of health services and patient care during the pandemic period (Baki & Piyal, 2020). In our study, it is seen that medical malpractice cases increased over the years, but

contrary to expectations, there was a decrease in the years between 2019 and 2020, and increased approximately twice again in 2021. This may be attributed to the limited number of applications to healthcare institutions in the first year of the COVID-19 pandemic and the conditions that require the healthcare team to work more diligently. In addition, even if medical malpractice cases did occur, it may have been delayed in being reported in the print media. In the research, a sudden increase is observed in 2021. It has been reported that many factors such as increased expectations of patients and their relatives from healthcare personnel, reflection of medical malpractice news in the media with developments in the field of technology, increased interest in the litigation process related to these news, increase in the number of lawyers handling medical malpractice cases, and precedent setting of the penalties imposed are effective in the increase in medical malpractice cases (Çarıkçı et al., 2021). In addition to the factors mentioned, the increase in our study may be attributed to increased hospital admissions after the pandemic process, resumption of health services that were stopped, especially surgical operations, and increased fatigue and burnout experienced by healthcare personnel due to the pandemic.

In the study, it was found that the majority of medical errors were committed by doctors, followed by nurses. In the studies conducted by Kırtıçoğlu et al. (2018) and Gürbeden (2016), it was reported that medical malpractice was mostly committed by doctors and secondly by nurses. These results are similar to our study. It can be said that the fact that doctors have a leading role in the treatment process of the patient, that doctors are legally given the responsibility of treatment, that doctors prescribe the drugs necessary for the treatment of the patient, and that doctors perform interventions with high complications such as surgical operations cause this situation. In our study, nurses were found to be in second place and the literature supports this result (Ernawati et al., 2014; Saravi et al., 2015). This may be thought to be due to the fact that nurses are in constant interaction with the patient and administer the drug treatment recommended by the doctor.

It was found that medical malpractice occurred mostly in private hospitals. In the study conducted by Çarıkçı et al. (2021), it was reported that medical malpractice occurred mostly in private hospitals. The high number of private hospitals among the places where medical malpractice occurs may be an explanation for the fact that medical malpractice is more common in private hospitals due to reasons such as inadequate healthcare personnel, low quality healthcare professionals providing services due to low wage policies, negligence and carelessness due to intensive and long working hours, and the ability of professional groups to perform tasks outside their job description.

In our study, it was found that medical malpractice was mostly experienced in the form of surgical errors and medication errors. In the study conducted by Jena et al. (2011), it was observed that medical malpractice lawsuits were mostly caused by surgical errors, and among surgical specialties, orthopedics and neurosurgery had the highest risk of litigation, and as a result of the research, it was determined that 15% of orthopedic surgeons and 19.1% of neurosurgeons received complaints every year due to malpractice. According to Bolcato et al. (2021), it was observed that medical errors were most common (37%) in the surgical branch. In our country, in the study conducted

by Gürbeden (2016), it was observed that surgical errors ranked first among the types of medical malpractice. In our study, surgical errors were observed at the highest rate and this result is consistent with the literature. In our study, medication errors ranked second. In a study conducted in Bali, the rate of medication errors was 20.4% (Ernawati et al., 2014), and in a study conducted in Iran, the rate of medication errors was 28% (Saravi et al., 2015). In our country, the rate of medication errors was found to be 15.2% in a study conducted by Istanbulu et al. (2012). In our study, the rate of medication errors among medical malpractice errors was 25%, which supports our study.

In our study, it was found that the highest number of deaths and disability/organ loss occurred as a result of medical malpractice, and it was concluded that diseases worsened and more health problems were experienced as a result of medical malpractice. In a study conducted in Australia, it was concluded that 18,000 patients died and around 50,000 people became disabled due to medical malpractice within a year (Weingart et al., 2000). In another study also conducted in Australia, it is estimated that medical errors cause approximately 17,000 deaths each year (Lim, 2022). According to studies conducted by Makary & Daniel (2016) and Rosenthal (2022), approximately 250,000 deaths occur each year in the United States due to medical malpractice. It is stated that medical errors account for 10% of all deaths in the United States and rank third among all deaths (McMains, 2016; Andersan, 2017). In the study conducted by Can et al. (2011) in Türkiye, it was observed that the majority of medical malpractice cases resulted in death. Our study results are similar to the studies conducted in the world and in Türkiye. This situation reveals the seriousness and importance of medical malpractice globally.

In the study, it is seen that the highest level of criminal complaints is filed as a result of medical malpractice and 25.7% of medical malpractice cases are in the judicial and investigation stage. In a study conducted in Germany, it was determined that approximately 40,000 lawsuits were filed in a year due to medical malpractice (Sommer et al., 2016). In the United States, 7.4% of physicians are accused of a medical error every year and 1.6% of them receive a penalty due to this accusation (Jena, 2011). The increase in the number of medical malpractice cases both in terms of news reports and judicial processes may be attributed to the increase in the level of knowledge of patients and their relatives about patient rights, developments in the field of technology, the increase in the number of examples that will set a precedent for the litigation process related to these news reports, and the penalties/compensations imposed. In our study, it was observed that 83.3% of the news about medical malpractice in newspapers had sufficient content, while 16.7% had incomplete content. This may be thought to be due to the media organization that made the news or the concealment of some information due to the sensitivity shown to the privacy of the patient-patient relatives. It is seen that 88.9% of the news on medical malpractice analyzed within the scope of our research took place in Türkiye and 11.1% took place abroad. It can be said that this result is not related to the fact that medical malpractice news is less common outside the country, but it is due to the selection of medical malpractice news from newspapers published in Türkiye.

Limitations

The findings in this study consist of news from the archives of seven national newspapers with the highest circulation and cover the last 10 years. Since the number of newspapers is limited to seven, it consists of news from the last 10 years, the research was conducted on the internet, and there may be news that are not reflected in the newspapers, the number of medical malpractice news obtained does not reflect the actual number of medical malpractice news, and this number may be higher in reality. This is a limitation of the study.

CONCLUSION

Healthcare workers are at high risk of medical malpractice due to factors such as challenging working conditions, workload, stress and anxiety, sleep problems, insufficient rest, lack of attention, and environmental conditions. In the study, it was observed that most of the medical malpractice cases reported in newspapers occurred in 2017 and 2021, and 74.3% of them were committed by physicians. It was determined that the most common medical malpractice was surgical errors, followed by medication errors, 38.2% resulted in death, followed by disability/organ loss, and in the majority of cases a criminal complaint was filed as a result of medical malpractice. Medical malpractice leads to many serious effects on human health, most of which are irreversible. It is recommended that studies be conducted to identify the factors that lead to malpractice and to develop solutions to reduce and control these factors.

ETHICAL DECLARATIONS

Ethics Committee Approval

Since secondary data were used in this study, ethical approval was not required. This article complied with the rules of research and publication ethics.

Informed Consent

Since secondary data were used in this study, informed consent not need.

Referee Evaluation Process

Externally peer-reviewed.

Conflict of Interest Statement

The authors have no conflicts of interest to declare.

Financial Disclosure

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Author Contributions

All of the authors declare that they have all participated in the design, execution, and analysis of the paper, and that they have approved the final version.

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