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New payment models promote undertreatment, malpractice risks

By Alicia Caramenico | August 5, 2011

New coordinated care models, like accountable care organizations (ACOs), are being touted as ways to eliminate unnecessary tests and procedures and improve care. While these new arrangements may reduce costs, they also may increase malpractice risks for doctors, according to Medpage Today.

These new payment models are putting pressure on doctors to undertreat patients, note authors Lee J. Johnson and Dr. Frank J. Weinstock. By doing less costly tests and procedures, doctors can be sued for failure to diagnose or treat properly.

The increased emphasis on cost reduction and pay-for-performance initiatives is driving doctors to avoid various tests and procedures for ACO patients. But despite the financial incentives to decrease care, doctors are still liable for their patients' care, note the authors.

The malpractice risks associated with undertreatment shed light on a May survey from the American College of Emergency Physicians (<http://www.fiercehealthcare.com/story/er-docs-order-tests-avoid-lawsuits/2011-05-26>), which found that more than 50 percent of roughly 1,800 ER doctors said the main reason they order the number of tests they do is fear of being sued.

During a time when nationwide healthcare costs continue to rise, there are ways doctors can avoid malpractice suits and unnecessary overtreatment. For example, doctors can implement informed refusal, giving patients a real option to refuse a proposed treatment. "If the doctor is completely honest about the chances of success and the side effects/risks involved, the patient may forego the treatment of his own accord. Costs will have been cut and the physician would not have increased his liability exposure," the authors write.

For more:

Read the Medpage article (<http://www.medscape.com/viewarticle/746785>)

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