

## Fear and Loathing in Illinois: Lawsuit Threat Leads to “Defensive Medicine” in Health Care

**“Moving my office out of Cook County” – Anonymous physician, when responding to a request to describe a recent act of defensive medicine.**

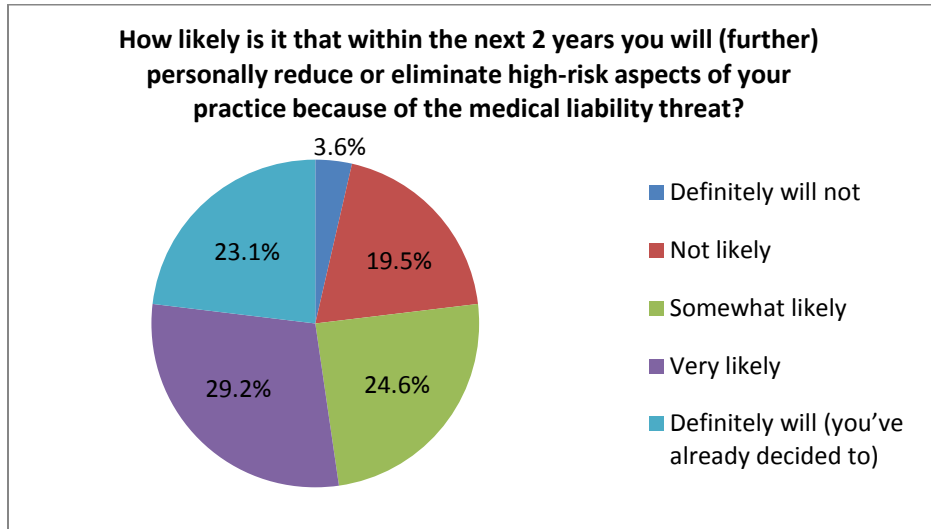
**“I am so worried about getting sued, that I fear my responses on this survey will somehow be discoverable through trial lawyer manipulation and will be eventually used against me.” – Anonymous physician, when responding to the same question.**

Methodology: In late June, ISMS and ISMIE Mutual conducted an electronic survey on the use of defensive medicine in Illinois. Only active practice physicians were approached to participate in the survey, and all responses were anonymous. Individuals identified as students, medical residents or retired from practice were not included in the survey group. Using the ISMS member and ISMIE policyholder databases, 7,768 physicians were identified as eligible to participate in the survey. All of these physicians were contacted for the survey. 196 e-mails were returned as non-deliverable; therefore 7,572 physicians were successfully reached. One week after the initial survey notice was delivered, a reminder notice was sent to any physician who had not completed the online questionnaire. When the survey closed, 1,128 physicians had completed all or a portion of the survey, which is a 15% response rate. Three quarters (77%) of the survey group indicated they work for a physician-owned solo or group practice and most Illinois counties were represented. The survey was conducted from June 21 to July 2, 2010.

National Data: Recent national survey data show that 9 in 10 physicians indicate they have practiced defensive medicine (*Arch Intern Med.* June 2010;170(12):1081-1083). The ISMS/ISMIE survey mirrored this national finding; 89% of Illinois physicians confirm they have practiced defensive medicine due to fear of lawsuits. Illinois’ survey results offer further insight on how fear of lawsuits remains on doctors’ minds as they treat patients. Following are highlights of the ISMS/ISMIE Mutual survey findings.

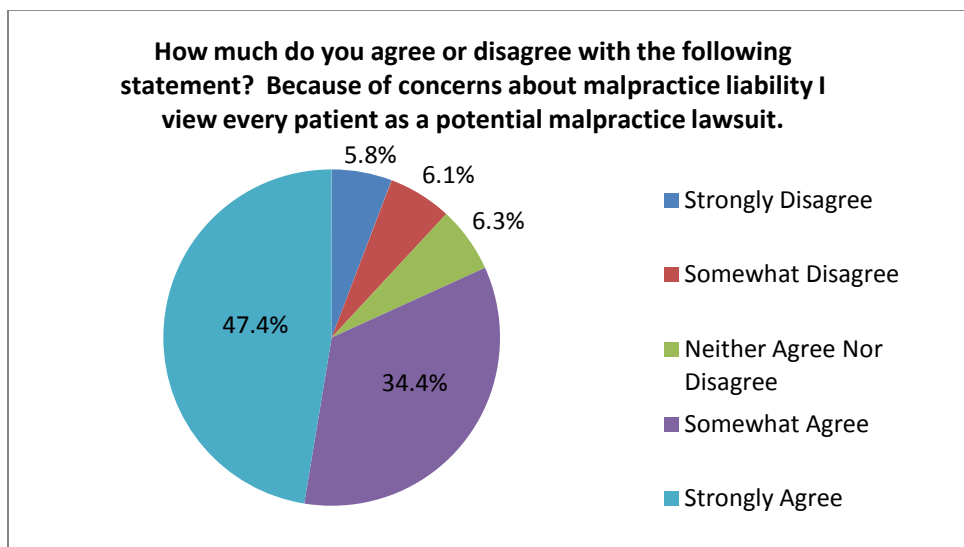
***Physicians seek to avoid “risky medicine”***

- 66% of Illinois physicians responded that they personally reduced or eliminated high-risk services or procedures of their practices due to the medical liability threat.
- 77% of Illinois physicians indicated that within the next two years they will reduce or eliminate high-risk aspects of their practices because of the liability threat.



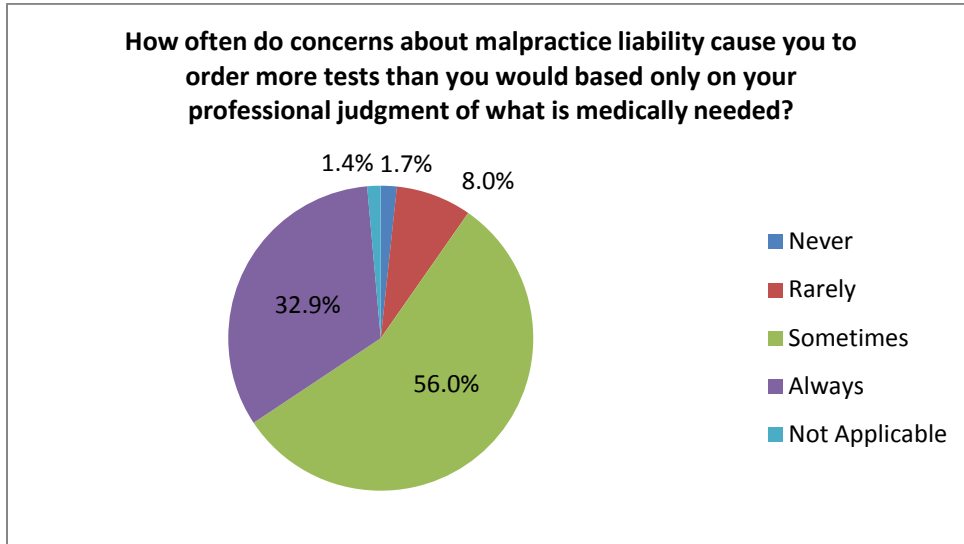
***Lawsuit fears affect the patient-physician relationship***

- 82% of Illinois physicians responded that they view every patient as a liability risk.



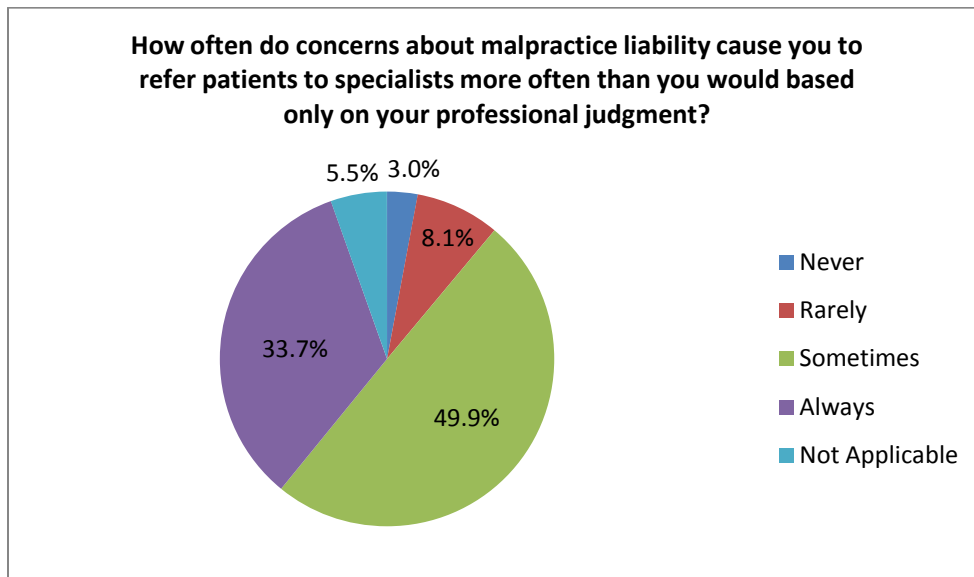
***Physicians order more tests due to liability concerns***

- Nine out of ten Illinois physicians (89%) responded that liability concerns have caused them to order more tests than are medically needed. One third of doctors indicate they always order extra tests.



***Liability fears lead to more specialty referrals***

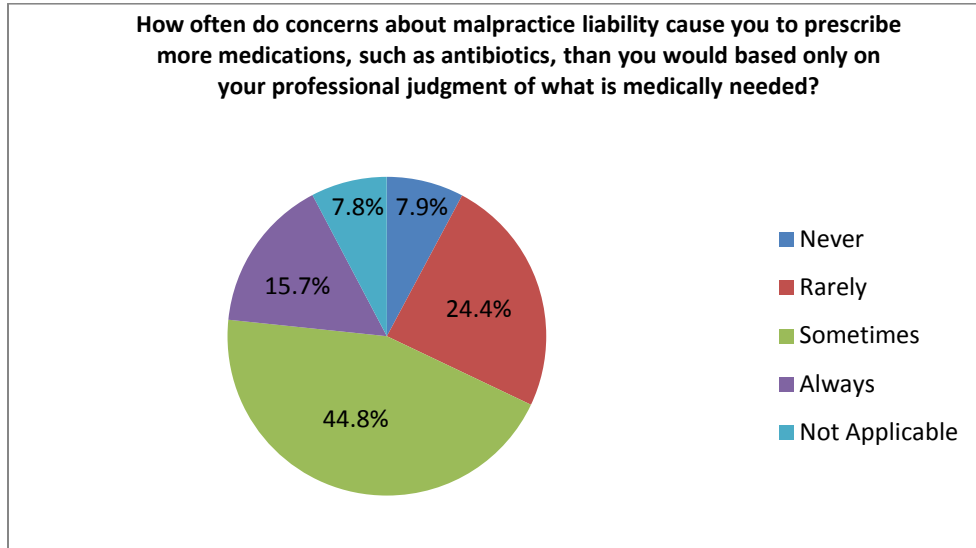
- 84% of Illinois physicians indicated that medical liability concerns lead to extra patient referrals to specialists.



August 2, 2010

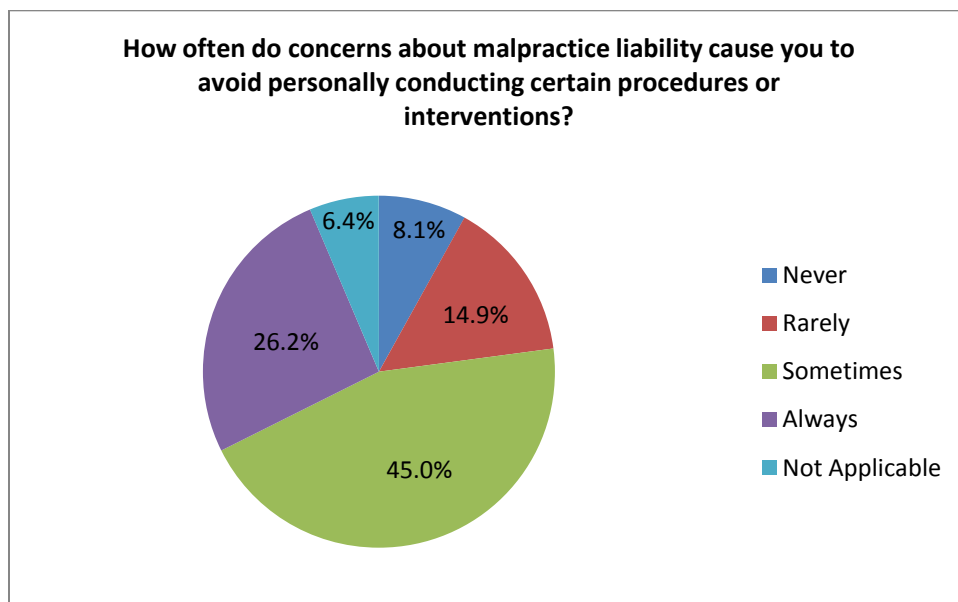
***Lawsuit concerns influence prescribing patterns***

- Only 8% of Illinois physicians stated that liability concerns have never influenced their prescribing decisions.



***Liability concerns cause physicians to step away***

- 71% of doctors responded that liability concerns have caused them to avoid personally conducting certain medical procedures.



August 2, 2010