

1. Johns Hopkins University School of Medicine, Department of Neurosurgery, Baltimore, MD
2. Louisiana State University Health Sciences Center Shreveport, Department of Neurosurgery, Shreveport, LA.



Introduction

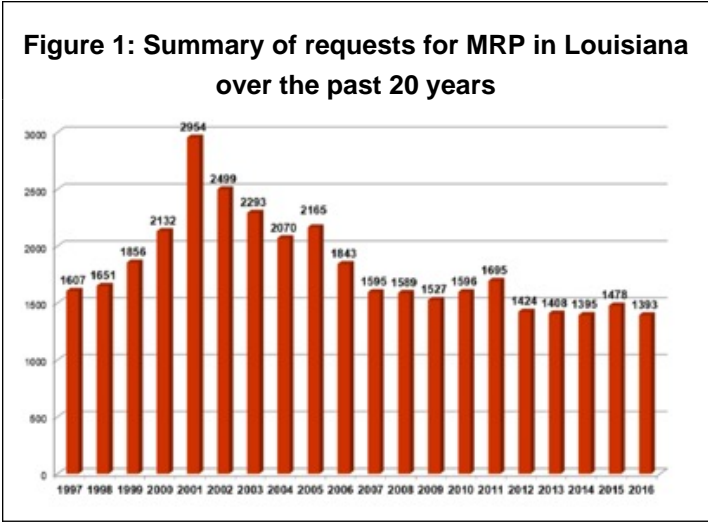
Certain jurisdictions in the United States require medical liability and malpractice cases be heard by a medical review panel (MRP) prior to trial. In this article, we review the role of MRP in the current medico-legal environment with a specific focus on the neurosurgery specialty.

Methods

A retrospective review was conducted to gather all literature from years 1970-2018, including legislative statutes and bills, that relate the MRP for malpractice litigation.

Learning Objectives

To appreciate the role of medical review panels during the malpractice litigation practice as it pertains to neurosurgery



Louisiana Patient's Compensation Fund							
Panel Statistics							
Search Criteria - Year 2008 - 2017							
Year Filed	Fact	Lost	None	Pending	Won	Total Panels Filed	
2008	34	136	601	5	813	1591	
2009	44	143	567	1	775	1530	
2010	51	169	582	5	796	1603	
2011	45	162	683	11	799	1696	
2012	44	142	441	18	737	1382	
2013	43	130	487	36	710	1408	
2014	40	139	478	116	624	1397	
2015	37	99	438	335	568	1477	
2016	7	50	366	713	246	1382	
2017	0	4	237	1119	17	1377	
Opinion Total	345	1176	4880	2361	6060	14942	

Results

Nationally, seventeen jurisdictions (Alaska, Delaware, Hawaii, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Montana, Nebraska, New Hampshire, New Mexico, Utah, Virginia, and Wyoming) require medical liability/malpractice cases be heard by a screening panel prior to initiation of litigation. All MRPs are pre-litigation screening measures and typically are comprised of at least one medical and one legal professional. The size of the panels can vary from 2 members (Hawaii) to as many as 6 members (Montana and New Mexico). The fundamental premise of these screening panels is to determine if a medical malpractice claim is warranted before entering the high cost litigation system. Generally, MRP proceedings are informal and mandatory, with some jurisdictions allowing admissibility of the MRP’s opinion in court. While all MRPs are asked to render an opinion on whether a claim is a violation of the standard of care (assessment of liability), some panels (Delaware, Hawaii, Idaho, and Montana) can assess damages. The effectiveness and limitations of MRP are subject to debate and controversy.

Panel Opinions:							
Panel Opinion							
Year	T	Fact	Lost	None	Pending	Won	Grand Total
PH8							
2008			3	13		29	45
2009		3	5	17		32	57
2010		2	12	78		93	185
2011			7	73		65	145
2012		1	7	12	1	22	43
2013		1	1	12	3	19	36
2014		2	3	6	10	13	34
2015			2	9	8	14	33
2016			1	10	32	6	49
2017				2	40	1	43
PH8 Total	9	41	232	94	294	670	
Grand Total	9	41	232	94	294	670	

Class 8	
2008	5 Settlements - \$1,647,203
2009	5 Settlements - \$4,264,500
2010	4 Settlements - \$1,037,425
2011	5 Settlements - \$3,535,000
2012	5 Settlements - \$3,513,331
2013	1 Settlement - \$246,694
2014	3 Settlements - \$2,454,764
2015	67 Settlements - \$13,560,989
2016	5 Settlements - \$1,184,011
2017	2 Settlements - \$485,000
There were no Judgments against Class 8 in the 10-year reporting period.	

Conclusions

Medical review panels are mandatory, pre-trial screening measures in 17 states and an important medico-legal concept for practicing neurosurgeons.