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Does Medical Malpractice Law Improve Health Care Quality?

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We assess the potential for medical liability forces to deter medical errors and improve health care treatment quality, identifying liability's influence by drawing on variations in the manner by which states formulate the negligence standard facing physicians. Using hospital discharge records from the National Hospital Discharge Survey and clinically-validated quality metrics inspired by the Agency for Health Care Research and Quality, we find evidence suggesting that treatment quality may improve upon reforms that expect physicians to adhere to higher quality clinical standards. We do not find evidence, however, suggesting that treatment quality may deteriorate following reforms to liability standards that arguably condone the delivery of lower quality care. Similarly, we do not find evidence of deterioration in health care quality following remedy-focused liability reforms such as caps on non-economic damages awards.

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