



Research

Primer: Medical Malpractice and Tort Reform

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The impact of medical malpractice liability on American healthcare costs is a long-debated and contentious topic. As healthcare costs have risen astronomically in recent years, the contribution of the cost of malpractice claims is obscured by the difficulties in quantifying such costs as they include malpractice payouts, malpractice insurance premiums and hidden costs such as defensive medicine. Disagreements over the impact of these costs have led to conflicts over whether tort reforms are needed and the type of reforms most likely to be successful. In the debate over the Affordable Care Act (ACA) tort reforms were briefly taken up by the Obama administration, but dropped under increasing pressure from trial lawyer lobby groups.