



## Pathology Biology Section - 2012

### G117 **Iatrogenic Death: A Review of Cases From 1990–2000 Investigated at the Department of Forensic Medicine, Vienna**

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After attending this presentation, attendees will have an increased awareness for the importance of addressing the problem of malpractice in order to relativize the hysteria propagated by the media.

This presentation will impact the forensic science community in terms of knowledge and awareness by addressing the problem of iatrogenic deaths.

**Introduction:** Regulations in Austria mandate that every deceased person must undergo an external examination before burial, which is usually performed by general physicians. In the event that death occurs in a public hospital, the clinical pathologist must perform this examination. The objectives of this examination are to issue a death certificate. Furthermore, the Austrian Physicians Law stipulates that in any suspected case of a criminal offense, death or physical injury, a report has to be made to the police. In general, such cases of death are followed by a postmortem performed by a forensic pathologist.

Medical malpractice is a global problem which can have considerable financial and legal consequences for the community and personal consequences for those involved. Because of scarce country-specific data, media reports have been giving rise to somewhat of a public hysteria in Europe. Austria, a small country in central Europe with slightly over eight million inhabitants and its capital, Vienna, with about 1.6 million inhabitants, are deficient in providing statistical and epidemiological data concerning medical malpractice cases. Although relevant epidemiological and statistical data have not yet been determined, the media, especially in Vienna, persists in claiming that medical malpractice causing iatrogenic deaths occurs frequently.

**Results:** Due to the fact that there are no reliable data about medical malpractice and iatrogenic deaths in Austria, the data from a total of 7,211 autopsy reports filed between 1990 and 2000 at the Department of Forensic Medicine in Vienna have been retrospectively analyzed. In 2,074 cases, deceased individuals underwent medical treatment before death. Out of these 2,074 cases, only 55 deaths were relevant for this study. Thirty cases of surgical adverse events, 19 cases of negligence and six medication-related incidents could be found and were included in this analysis.

In those cases where court files could be obtained, the outcome was also included in this analysis. Out of a total of 40 cases from available court files, 36 cases were dropped, there were two acquittals and two convictions. In other words, in less than one in a hundred cases (2.75%) charges were pressed against the treating medical doctors.

Conclusively, the number of medical malpractice practices leading to iatrogenic deaths in Austria seems to be very low in comparison to other countries, where, during the same time period, 4.5 in a hundred cases (4.5%) were prosecuted. Although the figures claimed by the media do not appear to be legitimate and lack credibility since they are too high, the possibility that many cases go unnoticed in Austria, needs to be taken into consideration.

**Iatrogenic Death, Medical Malpractice, Vienna**