

# Medical Malpractice Internet Resources

By Telisa T. Owens

In Michigan, few areas of law are as research intensive as medical malpractice. The medical malpractice practitioner must research the appropriate standard of care, medical procedures, conditions and treatments, doctor certifications and specialties, expert witness credentials, and damages, among other things. This article aims to provide helpful online resources to malpractice practitioners.<sup>1</sup>

## Malpractice Law Primers

A number of medical malpractice practitioners post information for the benefit of the legal community. For example, a general summary of malpractice litigation in Michigan can be found at <http://www.mcandl.com/michigan.html>. Mcandl.com provides a basic overview of the statutes of limitations, statutory cap on attorneys' fees, contributory or comparative negligence, joint and several liability, collateral source rule, contribution, pre-judgment interest, vicarious liability, expert testimony, immunities, damage caps, and arbitration. Another potentially beneficial resource is The 'Lectric Law Library Lawcopedia's Law & Medicine web page at <http://www.lectlaw.com/tmed.html>. Of interest to practitioners may be the "Practical Litigation Info" designed exclusively for attorneys, which includes:

- Tips to help determine whether the case under review is a strong malpractice case
- Examples of strong malpractice cases
- Tips for evaluating the medical malpractice client
- Tips for choosing proper medical malpractice defendants
- Tips for handling the initial malpractice case review by medical experts

- Advice about errors to avoid when handling medical malpractice cases
- Tips to ease using medical experts
- A checklist for the direct examination of medical experts
- Formulas for compensating the medical malpractice expert
- Tips for preparing the plaintiff's medical expert witness for trial
- Tips for determining the injured plaintiff's economic and financial losses

A number of medical malpractice practitioners post information for the benefit of the legal community.

## Statutes, Caselaw, Court Rules, and Pending Legislation

Statutory material may be found at the Michigan legislature website at <http://www.legislature.mi.gov>. Caselaw can be found at a variety of websites. Michigan Supreme Court and Michigan Court of Appeals opinions are located at <http://coa.courts.mi.gov/resources/opinions.htm>. The State Bar of Michigan and the Institute of Continuing Legal Education (ICLE) provide to State Bar members a free research service, Michigan Law Online, which includes Michigan Supreme Court and Court of Appeals opinions from 1942. On issuance of a password,<sup>2</sup> the service may be accessed from either the State Bar website, <http://www.michbar.org>,

or the ICLE website, <http://www.icle.org>. In addition, practitioners can receive case-law summaries specific to malpractice law by subscribing to the State Bar e-Journal at <http://www.michbar.org/publications/signup.cfm>. If a legislative reporting service is not practical, practitioners can quickly find proposed legislation affecting malpractice law by visiting the State Bar Public Policy Resource Center at <http://www.michbar.org/publicpolicy/>. There, practitioners can click the "shortcut to key legislation" and scroll to a specific practice area, e.g., malpractice. The Public Policy Resource Center also displays Michigan Supreme Court proposed court rule amendments and administrative orders.

## Medical Information

Practitioners can find a digital library of anatomy information at <http://www.anatomyatlases.org/>. Anatomical information can also be found at <http://www.bartleby.com/107/>. Bartleby offers an online edition of Henry Gray's *Anatomy of the Human Body* and features 1,247 illustrations from the classic 1918 publication, as well as a subject index with 13,000 entries ranging from the Antrum of Highmore to the Zonule of Zinn.

The publishers of the *Physicians' Desktop Reference* host a website at <http://www.pdrhealth.com/home/home.aspx>. This website provides information on prescription drugs, diseases and conditions, therapies in clinical research, ongoing clinical trials, and clinical trial results. The National Library of Medicine, which promotes itself as the "World's Largest Medical Library," can be accessed at <http://www.nlm.nih.gov/>. Pharmacy drug information can also be found at <http://www.rxlist.com/script/main/hp.asp>. MediLexicon at <http://www.medilexicon.com/>

contains searches, information, news, and resources for the medical community and provides free access to several directories or sources of information, including (1) hourly reports of breaking health news and medical news stories; (2) definitions of ICD9/ICD9CM codes used to code and classify mortality data from death certificates, morbidity data from inpatient and outpatient records, physician offices, and most National Center for Health Statistics surveys; and (3) definitions of over 3,500 medical and surgical devices and instruments.

The United States Pharmacopeia (USP) is an official public standards-setting authority for all prescription and over-the-counter medicines and other health care products manufactured or sold in the United States. USP's website is at <http://www.usp.org/>. From an international perspective, worldwide standards for patient safety have been compiled by the World Health Organization (WHO) Collaborating Centre for Patient Safety Solutions. In 2007, the WHO Collaborating Center for Patient Safety Solutions studied and disseminated nine patient safety solutions at <http://www.ccforsafety.org/30723/>. The nine standards are downloadable in PDF format and include findings on (1) "Look-Alike, Sound-Alike" medication names; (2) misidentification of patients; (3) poor communication during patient hand-overs; (4) cases of wrong procedure or wrong site surgery; (5) medication errors; and (6) catheter and tubing misconnections.

### News, Journals, and Newsletters

Many of the websites cited previously offer the opportunity to subscribe to newsletters. In addition, access to trade journals and articles is available from the Michigan eLibrary, or "MEL." MEL is located at <http://mel.org/index.jsp>. Medscape, at <http://www.medscape.com>, provides a searchable database of online clinical publications.

Often, vendors seeking to work with attorneys will send online newsletters specific to an area of law. For example, an expert retention service sends free medical newsletters with articles often written by doctors and nurses. One article that may be of interest to medical malpractice attorneys

is an article entitled "Medical Records Help Attorneys Uncover Crucial Case Details." The article is written by a nurse and outlines the specific requirements of a hospital patient's medical chart. The article can be found at [http://www.techmedexperts.com/pdf/Medical\\_records.pdf](http://www.techmedexperts.com/pdf/Medical_records.pdf).

The World News Network offers a channel targeted to health concerns, drug pharmaceuticals, and medical malpractice at <http://www.quacks.com/>. The U.S. Department of Health & Human Services provides clinical information and information on health conditions and diseases at <http://www.ahrq.gov/>.

In addition, the Department of Health & Human Services offers the National Guideline Clearinghouse (NGC) at <http://www.guideline.gov/about/about.aspx>. NGC is a comprehensive searchable database of evidence-based clinical practice guidelines and related documents. The NGC is an initiative of the Agency for Healthcare Research and Quality (AHRQ), U.S. Department of Health & Human Services, and was originally created by AHRQ in partnership with the American Medical Association and the American Association of Health Plans.

### Doctor History and Certifications

Several states, such as California, Massachusetts, Florida, and Idaho, now require hospitals to post medical malpractice and hospital disciplinary action information on their websites. Michigan provides license verification information at [http://www.michigan.gov/mdch/0,1607,7-132-27417\\_27529---,00.html](http://www.michigan.gov/mdch/0,1607,7-132-27417_27529---,00.html). Practitioners can obtain a copy of administrative documents pertaining to a specific health professional or obtain copies of disciplinary action reports at [http://www.michigan.gov/mdch/0,1607,7-132-27417\\_27529-43008--,00.html](http://www.michigan.gov/mdch/0,1607,7-132-27417_27529-43008--,00.html).

The American Medical Association's On-Line Doctor Finder at <http://webapps.ama-assn.org/doctorfinder/home.html> contains physician profiling information such as a physician's medical school, training, and specialty. The American Board of Medical Specialties' website at <http://www.abms.org/> allows practitioners to determine whether a specific physician has been certified as a specialist by one of their

specialty boards. Many individual associations, such as the American Osteopathic Association, also provide certification information. See [http://www.osteopathic.org/index.cfm?PageID=findado\\_main](http://www.osteopathic.org/index.cfm?PageID=findado_main). Healthgrades provides free hospital ratings and, for a small fee, practitioners can obtain a detailed background physician report at <http://www.healthgrades.com/>.

### Conclusion

As more attorneys, institutions, and vendors disseminate information online, practitioners should incorporate online resources into their research strategy. These sources should provide useful information that supplements, at less expense, information obtained from traditional research sources. ■



*TeLisa T. Owens is an appellate attorney with Sommers Schwartz, P.C. in Southfield. Ms. Owens focuses her practice on employment, commercial, and insurance litigation. Previously, she worked at the Michigan Court of Appeals as judicial law clerk to the Honorable Kurtis T. Wilder and as a research attorney in the Court's prehearing division. She is a member of the State Bar Committee on Libraries, Legal Research, and Legal Publications.*

### FOOTNOTES

1. Cited websites were last visited January 11, 2009.
2. To receive a password, contact ICLE by phone at (877) 229-4350 or by e-mail at [icle@umich.edu](mailto:icle@umich.edu).