

"Health courts" and accountability for patient safety.

April 21, 2015

Mello MM, Studdert DM, Kachalia A, et al. "Health courts" and accountability for patient safety. *Milbank Q.* 2006;84(3):459-92.

<https://psnet.ahrq.gov/issue/health-courts-and-accountability-patient-safety>

This article provides an overview of "health courts," defined as a system of administrative compensation for medical injuries outside of the regular tort system; these systems are currently used in New Zealand, Denmark, and Sweden. The authors have [previously](#) argued that the current US tort system is ineffective at compensating injured patients or preventing medical errors. Health courts would use evidence-based standards to determine the preventability of medical injuries, and appropriately compensate patients based on the degree of preventability of the error(s) patients experienced. The authors describe how health courts would work in practice, and argue that such a system could improve patient safety by improving transparency and shifting the focus from determining if a physician was negligent to determining if an injury was avoidable.