近五年台灣地區醫療糾紛分析-以高訴訟風險科別之醫療訴訟案件爲中心探討

The Analysis of the Information for Medical Legal Problems in the Latest Five Years in Taiwan With High-Risk Specialists

中文摘要

近幾年來，醫療糾紛之案件在新聞播放屢見不鮮，層出不窮。隨著病患權利意識的抬頭，病患逐漸擺脫以往對於醫師之崇拜服從心態，因此醫師於實施醫療行爲時，若有不合病患或其家屬預期之結果發生，往往引起病患或家屬之質疑，進而引發醫療糾紛，傳統和諧之醫病關係，已受到明顯之衝擊。

醫療糾紛，不僅僅是病人的夢魘，醫師們更是聞之色變。由於相關資訊及研究不夠且未被重視，因此隨著醫療糾紛案件一件件被報導，而醫病關係亦日趨緊張。然而台灣各醫學專科科別之醫療訴訟發生率之概況卻難有詳細資料得知。筆者收集司法院的司法判決作一統計分析，在深入研習各判決後，以流行病學觀點分析在民事判決及刑事判決各科在此研究中的訴訟發生率，計畫利用敘述性統計的方式醫師訴訟勝算比、當事人因醫療行爲所發生之結果型態、原告主張醫療過失或誤診之比例及法院判賠償金額之分析…等相關資訊。

筆者發現民事訴訟中高風險科別的前六大科別爲:神經外科、急診醫學科、整形外科、婦產科、骨科及眼科此與美國研究結果是相似的。分析當事人發生之結果型態觀之，民事及刑事上均已發生死亡及不可逆之傷害占大部份。在當事人聲明部份共分爲醫療過失即誤診兩大類其比例約爲三比一。執業醫師在訴訟勝算比例在民事約爲八成而刑事爲七成。高訴訟風險科別之平均賠償金額超過一百萬，以急診醫學科最高。而賠償與否並非以病人發生死亡結果爲必要條件。這與一般之觀念有所不同。隨著醫療糾紛數量的攀升，該議題也越來越重要。

英文摘要

The aim of this work was to find out the top-six medical categories with high-risk in Taiwan by analyzing the lawsuits of district courts in Taiwan from an epidemiological perspective.

Our research design as a retrospective study to tracking back the medical malpractice cases in Taiwan in the past five years. We try to find out the top-six with high-risk medical categories from the incidences of medical disputes.

The characteristics of medical malpractice were also studied. We have collected the lawsuits took place in Taiwan as the database. The studied period was from 2003 to 2007.

Take a view on average annual incidence, the Neurosurgeon,

Emergency medicine, plastic surgery, obstetrics and gynecology,orthopedics, and ophthalmology are the top six medical categories with high risk in Taiwan. In most cases, most the plaintiffs claimed that their medical injuries are caused by the doctor''s ignorance. The average rate of doctors who wined the lawsuits is about 0.82. The doctors of top-six
medical categories with high-risk paid over NT.1000, 000 for the cost of damages. The major reasons that plaintiff raised the lawsuits were the occurrences of death or permanent injury of patients. However, the court asserts this result may not be caused by the medical behavior.