

# Saving Medical Students from Liability in the US

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Imagine you are performing a routine patient history on a patient during your clinical clerkship. However, you fail to discover that the patient was allergic to a particular type of medication. Later, the patient suffers from a life threatening anaphylaxis, causing permanent damage to several organs. The medical centre you are rotating at is sued for medical malpractice. Your supervising physician is also sued. And guess what, so are you. In most states, medical malpractice extends all the way to the dilettante medical student who is getting hands-on experience for the first time in the clinical setting. It is true that you are likely to be covered by the malpractice liability generally bought for you by your medical school [1]. But there is a chance that a plaintiff will sue you personally for a judgment that exceeds the malpractice insurance coverage. You may, however, like to hear that the Arizona Legislature recently passed a law shielding medical students from malpractice suits [2]. The rationale being that medical malpractice cases drive up health care costs and steer money away from education since universities are forced to deal with costly litigation. There is also a fear that medical students would be unwilling to apply for residency or permanent physician positions in the state which enabled the blemish of malpractice on their record [3, 4] Some opponents of the bill argued that the law would leave medical students careless in their actions [4]. However, the law still leaves an avenue open for extreme cases of negligence. Under the new law in Arizona, a medical student can only be sued if the patient can provide clear and convincing evidence that the student acted in gross negligence [2]. In a nutshell, gross negligence is when the act deviates far from negligence of a reasonable person, usually stemming from intentional or willful indifference [5]. Medical students with behavior of such magnitude, of course, should reevaluate their motivation for the profession which they are about to enter or be willing to pay the consequences.

Medical students and physicians should advocate

other states to follow suit and pass a law similar to the one passed by the Arizona Legislature. Shielding from lawsuits looming over the shoulders of medical students will allow them to remain focused on learning the practice of healing, while still being cognizant of what could go wrong once they receive their licenses.

## REFERENCES

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