
Iatrogenesis: Fact or Fiction?



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What does “iatrogenic” mean?

- *Iatrogenic* has its roots in the Greek language – literally means “brought forth by the healer”.
- Oxford Dictionary: “*describing a condition or disease that results from treatment/or the actions of health care professionals.*”

Some Types of Iatrogenic Conditions

- An unforeseen or inevitable side effect;
- Hospital acquired infection; or
- Post-operative complication

Causes of Iatrogenic Conditions

- *Typically Include:*
 - Side effects of treatment
 - Drug interactions
 - Medical misadventure
 - Negligence
 - Unnecessary treatment

Iatrogenesis in the U.S.

- Much of the research on the subject comes from the U.S.
- Has been recognized as a serious problem
- In 2000, an estimated 225,000 deaths could be attributed to iatrogenic causes

Iatrogenesis in the U.S.

- In 2007, the National Academy of Sciences estimated that errors in medical treatment kill up to 98,000 people per year
- According to the Centre for Disease Control, iatrogenic infections are responsible for 20,000 deaths among hospital patients each year

Iatrogenic Drug Addictions

- Iatrogenic drug addictions are not uncommon in the MVA context
- Clients who suffer serious injuries are often prescribed powerful opiate based pain killers
- Some clients stay on the meds longer than they should = addiction

Iatrogenic Drug Addictions

- Drug companies have been found to be responsible for some iatrogenic addictions
- In 2007, the company that produces OxyContin pleaded guilty to charges of misleading regulators in the U.S.

OxyContin

- Purdue Pharma “*mislead regulators, doctors and patients about the drug’s risk of addiction and its potential to be abused*”
- Purdue Pharma was ordered to pay \$600M in fines
- Three executives (including company president and lead counsel) paid \$34.5m in fines

Malpractice in the Litigation & Insurance Context



Latrogenesis in the Litigation & Insurance Context

- Latrogenic conditions have been considered in the context of MVA claims
 - Specifically, they have been discussed in relation to whether a particular disability was caused as a result of an accident
 - Cases typically involve addictions to prescription medications

Iatrogenesis in the Litigation & Insurance Context

- Generally, accident benefit entitlements are unaffected by iatrogenic conditions
 - They are found to have occurred as a result of the MVA (drug addiction; IE injury)

Latrogenesis in the Tort Context

- *Papp v. Leclerc C.A. (1977)* – “medical misadventure” occurred as a result of the MVA
 - Court held defendant driver is responsible for all injuries that flow from mva, including medical complications and “medical misadventure” injuries
 - Such injuries are reasonably foreseeable
 - Medical misadventure was not “negligence”

Iatrogenesis in the Defence Medical & I.E. Context

TREATMENT RESISTANT? OR

IATROTEGENIC ILLNESS?

Iatrogenesis in the Defence Medical & I.E. Context

- Chronic pain cases & mTBI cases pose special challenges for lawyers
- Not uncommon for defence medical experts or I.E. assessors to suggest that iatrogenic effect is the root cause of the problems
 - This is their way of casting doubt on the plaintiff's legitimate pain complaints or TBI complaints

Iatrogenesis in the Litigation & Insurance Context

The defence of “iatrogenic effect” is challenging

- The defence experts are essentially saying that a doctor (or other health professional) can have a significant effect on an injured person
- They can have an effect on them by telling them they have a TBI or chronic pain

Latrogenesis in the Litigation & Insurance Context

“latrogenic effect”

- Leads to the injured person believing they are more disabled than they actually are
- The defence argues that the plaintiff’s condition is treatable
- He/she does not have a mTBI or does not have chronic pain
- They can get back to work if they receive the right treatment

Iatrogenesis in the Litigation & Insurance Context

The defence of “iatrogenic effect”:

- Example 1: diagnosis of TBI can have an iatrogenic effect on some individuals
 - Julie was struck by a drunk driver. Husband died in the crash. Julie suffered serious injuries including a TBI
 - Defence neuropsychologist opined:

Iatrogenesis in the Litigation & Insurance Context

- *...the basis for Dr. Smith's conclusion is highly questionable, and there are in fact serious questions about the potential iatrogenic effects of the diagnosis of brain injury.*
- *The admission to the OBIRS program and treatment there may thus have had an iatrogenic effect, reinforcing Julie's belief that she had a traumatic brain injury*

Latrogenesis in the Litigation & Insurance Context

Example 2: Kevin sustained a mTBI in a mva.

- Local hospital and family doctor diagnose post-concussion syndrome
- He retains us months later, after he is diagnosed with PCS

Iatrogenesis in the Litigation & Insurance Context

Example 2 - defence medical expert opinion:

- ***“I believe that certain reports and events have taken place since Mr. Jones’ accident which have resulted in a significant degree of iatrogenesis, and which thus reinforces (often unintentionally) a subjective perception of impairment and disability in the patient...”***

Iatrogenesis in the Litigation & Insurance Context

- *...that would not otherwise be present if not for the aforementioned iatrogenic effects".*

Iatrogenesis in the Litigation & Insurance Context

Example 3 - defence neuropsychological expert:

- ***“Unfortunately, patients' symptoms can also be influenced by contact with the health care system (i.e. iatrogenic factors).”***

Latrogenesis in the Litigation & Insurance Context

Example 3

- ***“During visits for health care services, such as repeat psychological evaluation and treatment, the patient may learn about the consequences of brain injury and may be influenced to overly present these symptoms and attribute them to brain injury.”***

Latrogenesis - Recent Study

*International Journal of Physical
Medicine & Rehabilitation*

Iatrogenesis - Recent Study

***International Journal of Physical
Medicine & Rehabilitation***

**“Iatrogenic Risk in the Management of
Mild Traumatic Brain Injury among
Combat Veterans: A Case Illustration
and Commentary”**

Randy S Roth and Robert J Spencer

Int J Phys Med Rehabil Volume 1 • Issue 1 2013

Latrogenesis & Latrogenic Effect

Closing:

- ***latrogenesis: it's real, it's controversial within litigation context***
- ***You see it in the hospital setting, we see it in the litigation context***
- ***It is here to stay***

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