

BMJ Open

BMJ Open is committed to open peer review. As part of this commitment we make the peer review history of every article we publish publicly available.

When an article is published we post the peer reviewers' comments and the authors' responses online. We also post the versions of the paper that were used during peer review. These are the versions that the peer review comments apply to.

The versions of the paper that follow are the versions that were submitted during the peer review process. They are not the versions of record or the final published versions. They should not be cited or distributed as the published version of this manuscript.

BMJ Open is an open access journal and the full, final, typeset and author-corrected version of record of the manuscript is available on our site with no access controls, subscription charges or pay-per-view fees (<http://bmjopen.bmj.com>).

If you have any questions on BMJ Open's open peer review process please email editorial.bmjopen@bmj.com

BMJ Open

General practitioners' understandings of and experiences with defensive medicine: evidence from a focus group study

Journal:	<i>BMJ Open</i>
Manuscript ID	bmjopen-2017-019851
Article Type:	Research
Date Submitted by the Author:	29-Sep-2017
Complete List of Authors:	Assing Hvidt, Elisabeth; Syddansk Universitet Det Sundhedsvidenskabelige Fakultet, Department of Public Health, Research Unit of General Practice Lykkegaard, Jesper; Syddansk Universitet Det Sundhedsvidenskabelige Fakultet, Department of Public Health, Research Unit of General Practice Pedersen, Line Bjornskov; Syddansk Universitet Det Samfundsvidenskabelige Fakultet, Department of Business and Economics, COHERE; Syddansk Universitet Det Sundhedsvidenskabelige Fakultet, Department of Public Health, Research Unit of General Practice Pedersen, Kjeld; Syddansk Universitet Det Samfundsvidenskabelige Fakultet, Department of Business and Economics, COHERE Munck, Anders; Syddansk Universitet Det Sundhedsvidenskabelige Fakultet, Department of Public Health, Research Unit of General Practice Kousgaard Andersen, Merethe; Syddansk Universitet Det Sundhedsvidenskabelige Fakultet, Department of Public Health, Research Unit of General Practice
Primary Subject Heading:	General practice / Family practice
Secondary Subject Heading:	Diagnostics, Communication, Patient-centred medicine, Qualitative research
Keywords:	GENERAL MEDICINE (see Internal Medicine), PRIMARY CARE, QUALITATIVE RESEARCH

SCHOLARONE™
Manuscripts

1
2
3
4 **General practitioners' understandings of and experiences with defensive medicine:**
5
6 **evidence from a focus group study**
7
8
9

10 Elisabeth Assing Hvidt^{a*}, Jesper Lykkegaard^a, Line Bjørnskov Pedersen^{ab}, Kjeld Møller Pedersen^b,
11
12 Anders Munck^a, Merethe Kousgaard Andersen^a
13
14

15
16
17 a) Research Unit of General Practice, Department of Public Health, University of Southern Denmark
18

19 b) Department of Business and Economics, COHERE, University of Southern Denmark
20
21
22
23
24
25

26 Corresponding author at:

27 Elisabeth Assing Hvidt

28 Research Unit of General Practice, Department of Public Health, University of Southern Denmark

29 J.B. Winsløvsvej 9 A

30 5000 Odense, Denmark

31 Tel: +45 61787777

32 Email : ehvidt@health.sdu.dk
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

ABSTRACT

Objectives: Recent years have witnessed a progressive increase in defensive medicine (DM), primarily documented within a US healthcare setting. In Danish primary and secondary care, documentation on the extent of DM is lacking. Before investigating the extent of DM we wanted to explore how the phenomenon is understood and experienced in the context of general practice in Denmark. The objective of the study was to describe the phenomenon of DM as understood and experienced by Danish general practitioners (GPs).

Design: A qualitative methodology was employed and data were generated through six focus group interviews with 3-8 GPs per group (n = 28) recruited from the Region of Southern Denmark. Data were analysed using a thematic content analysis inspired by a hermeneutic-phenomenological focus on understanding and meaning.

Results DM is understood as unnecessary and meaningless medical actions, carried out mainly because of external demands that run counter to the GP's professionalism. Several sources of pressure to act defensively were identified by the GPs: the system's pressure to meet external regulations, demands from consumerist patients and a culture among GPs and peers of infallibility and zero-risk tolerance.

Conclusions GPs understand DM as unnecessary and meaningless actions driven by exterior demands instead of a focus on the patient's problem. GPs consider defensive actions to be carried out as a result of succumbing to various sources of pressure deriving from the system, the patients, the GPs themselves and peers.

Keywords: Defensive medicine, general practice, primary health care, qualitative research, focus groups

Strengths and limitations of this study

- Research on DM has tended to focus on the monetary dimensions rather than examining the understandings of and experiences of physicians themselves, which is an important contribution of the present study.
- Employing a qualitative methodology eliciting discussion and reflection among GPs, we have been able to achieve a nuanced understanding of DM that is closely connected to the everyday experiences, routines, activities and views of GPs in relation to DM.
- Whereas it is beyond the methodological scope of his study to claim empirical generalisability, the research findings are transferable to other GPs, physicians and health professionals from similar cultural and organisational contexts and with countries with similar advanced medical systems.
- Further validity and depth could have been added to the study if additional individual interviews with the participating GPs had been conducted subsequently, making it possible to deepen some of the themes on an individual basis and to shed light on possible information bias resulting from lacking confidence in a group.

INTRODUCTION

Rapid developments in medical technology, increases in medical expertise together with societal changes have contributed to several beneficial changes in the healthcare sector, e.g. sophisticated diagnostic and treatment procedures and a less authoritative doctor-patient relationship (1).

However, recent years' medical developments have also promoted a culture in which high expectations for diagnosing, treatment and cure encourage health service users to sue for malpractice or lodge formal complaints to health authorities, hereby encouraging physicians to practice defensively. Defensive medicine is commonly defined as the use of diagnostic tests,

1
2
3
4 treatments and procedures that are conducted primarily to protect the physician from liability and
5
6 complaints rather than to improve the patient's diagnosis, treatment or well-being (1). It has been
7
8 argued in a number of studies that practicing DM can be directly harmful to the patient (leading to
9
10 fear and overtreatment) (2), to society (entailing unwarranted use of resources) and to physicians
11
12 (fear of being sued) (3, 4).

13
14
15 Increases in DM are primarily documented within a US healthcare setting, where
16
17 physicians are reported to order more tests and procedures than needed to protect themselves from
18
19 malpractice suits (3, 5, 6). A recent American study revealed that among specialty groups, primary
20
21 care physicians contributed the most to DM spending (7). Almost all GPs in an American study
22
23 acknowledged that they practiced DM. The most widespread practices were diagnostic tests,
24
25 referrals and follow-ups as well as unnecessary medical records (4).
26
27

28
29 In Denmark, documentation on the extent of DM in general practice as well as in the
30
31 hospital sector is lacking. Danish physicians are not covered by the culpa legislation, meaning that
32
33 they cannot be held financially liable for malpractice which instead is covered by the publicly
34
35 financed Patient Compensation programme - a comprehensive national programme to compensate
36
37 for patient harm. However, physicians may be sued individually with reference to the Physicians'
38
39 Act Law (gross negligence) where the maximum penalty is losing their license to practice medicine
40
41 or fines (8).
42
43

44
45 There is little understanding of which specific aspects drive GPs to practice defensively in
46
47 a setting without financial liability. Thus, the aim of this study was to identify individual and shared
48
49 perspectives among GPs on how DM is understood and experienced in their daily clinical work.
50
51

52 53 **METHOD**

54
55 The methodological approach employed was rooted in a qualitative description inspired by a
56
57
58
59
60

1
2
3
4 hermeneutic-phenomenological research methodology (9). As a method for data generation, focus
5
6 group interviews were chosen because their interactional features were fit for exploring subjective
7
8 understandings, experiences and viewpoints (10, 11).
9

10 11 12 13 **Setting**

14
15 The Danish healthcare system is tax-financed, and most GP and hospital services are free of charge.
16
17 Danish GPs act as gatekeepers for access to specialist treatment and are responsible for frontline
18
19 care 24 hours a day. GP collaborations provide out-of-hours primary care in four out of the five
20
21 regions (12).
22
23

24 25 26 **Recruitment and sample size**

27
28 GPs from one of Denmark's five Regions with a minimum of two years of experience in general
29
30 practice were invited to participate in a focus group interview. Research colleagues, not involved in
31
32 the study and being practicing GPs themselves, helped identify participants by providing email
33
34 addresses to primary care clinics. We attempted to achieve variation with respect to age, gender,
35
36 practice type, practice experience and practice location (rural or urban area). The final sample
37
38 comprised 28 GPs (14 males and 14 females) between 36 and 68 years of age (see Table 1 for
39
40 participant characteristics). All participants gave their written informed consent, and ethical
41
42 approval was obtained from the *Danish Data Protection Agency* (J. no.: 16/46654).
43
44
45
46
47

48 49 **Data generation**

50
51 Six focus group interviews (with 3-8 participants per group) were held between October 2016 and
52
53 May 2017. The first author, a sociologist and an experienced qualitative researcher, moderated all
54
55 six groups and had neither professional knowledge of nor experience with DM. The last author, a
56
57
58
59
60

1
2
3
4 researcher and practicing GP, acted as co-moderator in five out of six focus groups. Both
5
6 researchers consciously and continuously explored their prejudgements about the phenomenon. The
7
8 interviews were conducted in the office of one of the group informants (four groups), at a regional
9
10 meeting room (two groups) or in the private home of one of the informants (one group). To
11
12 facilitate a gradual disclosure of the GPs' understandings and experiences as they related to DM, we
13
14 followed a semi-structured interview guide with open-ended questions (Table 2). The recruitment of
15
16 new groups continued until sufficient information power regarding the subject at hand was achieved
17
18 (13). The discussions lasted from one hour to 75 minutes and were all digitally recorded, then
19
20 transcribed verbatim by a secretary, and validated by the researchers who moderated the interviews.
21
22
23
24
25

26 **Data analysis**

27
28 Data were analysed according to the core principles of a thematic analysis approach (14). The first
29
30 and last authors (EAH and MKA) performed the analysis. The continuous analytic process was
31
32 presented to and discussed with the other members of the author group at regular analytic meetings.
33
34 The analytic process moved through the following stages: interview transcripts were read in their
35
36 entirety several times to gain a general understanding of the data. The text was divided into
37
38 meaning units that were grounded in the particularity of what was being said by the participants
39
40 (14). The subsequent stage of analysis aimed at transforming meaning units into larger themes with
41
42 special attention to how they related to the research questions. Significant meaning units
43
44 documenting participants' understandings of and experiences with DM were categorised. Some of
45
46 the meaning units were found to be replete with utterances that described experiences of pressure.
47
48 These utterances were categorised into different types of pressure. We acknowledge that they
49
50 cannot be considered exhaustive and may overlap. In the following, the key themes and subthemes
51
52 are presented with exemplary data sequences.
53
54
55
56
57
58
59
60

RESULTS

Theme 1: GPs' understanding of DM

In most focus groups, GPs were quick to respond to the question about what they understood by the phenomenon of DM. With few variations, GPs stated that they understood DM as medical actions performed without medical indication in order to “cover one’s back” and to secure oneself against patient complaints. However, when discussing the phenomenon more in depth, understandings were broadened to involve all those medical actions performed due to exterior demands that run counter to the GP’s professionalism and common sense. As a consequence, the defensive actions were understood to be “meaningless”, “unnecessary” and “irrelevant”. One of the GPs remarked:

FG5GP5: One tends to immediately think that it’s something we do to protect ourselves against patient claims, right, but in reality, maybe it’s more like the sum of unnecessary actions that makes it a little exhausting to be a GP?!

To describe and reflect upon a particular understanding of DM, one male GP suggested mapping the terrain of possible opponents that the GP must defend him/herself against:

FG4GP2: You are defending yourself against something, and I can think of many I must defend myself against. Must I defend myself against the patients? Must I defend myself against the medical officer of health? Must I defend myself against my colleagues? Must I defend myself against my own medical conscience? So, there are many things one can defend oneself against, and in this way, I think the concept can take up much space in everyday life!

1
2
3
4
5
6 Resonating with the above account, other GPs across groups consistently talked about DM as
7
8 practices the GP does as a result of him/her being the subject of and succumbing to different types
9
10 of pressure in the daily work. In the following section these different sources of pressure identified
11
12 by the GPs will be outlined.
13
14

15 16 17 **Theme 2: GPs' own experiences with DM**

18 19 **Subtheme: System pressure**

20
21 A majority of the GPs associated DM with clinical imperatives imposed by what was usually
22
23 referred to as “the system”, in many cases personified by the politicians and health authorities. A
24
25 common experience across groups was that external regulations such as *clinical guidelines*, *fast-*
26
27 *track packages* (e.g. cancer packages) and *treatment guarantees* often resulted in “thin” or
28
29 “nonsense” referrals more substantiated by an obligation to live up to political regulations and time
30
31 warrants than to meaningful clinical decision-making. The experience among several of the GPs
32
33 was that the obligation to apply and implement clinical guidelines and refer patients to fast-track
34
35 packages was undermining the individual GP's clinical assessment and professionalism:
36
37

38
39
40
41
42 *FG4GP4: Society dictates that we must act on specific symptoms in such a way that*
43
44 *we actually put aside our own professionalism...and so our professionalism is not in*
45
46 *great demand any longer.*
47
48

49
50 In relation to this, some GPs experienced that the national clinical guidelines were often not in
51
52 accordance with their own clinical reality, despite being allegedly evidence-based. Applying the
53
54 guidelines without reflecting on their meaningfulness and thus pushing patients into rigid structures
55
56
57
58
59
60

1
2
3
4 would, according to several of the GPs, too often do harm to the patients, e.g. by leading to anxiety
5
6 and overtreatment. Along these lines, other GPs said that acting defensively reflected a “zero
7
8 tolerance culture”:
9

10
11
12
13 *FG4GP3: So we are asked to be very defensive, not to defend, or not to protect*
14
15 *ourselves, but because society has decided that we cannot live with the teeny-weeny*
16
17 *risk that somebody calls the doctor and is told to take a pain killer and it turns out*
18
19 *that they have a brain tumor or something, and I think that with this decision we shoot*
20
21 *completely above the target!*
22
23

24
25
26 Another recurring theme when reflecting on own experiences with DM was the demand to
27
28 document (what some of the GPs described as “limitless, meaningless documentation”), specifically
29
30 by writing long patient records with enumerations of negative clinical findings:
31
32

33
34
35 *FG1GP1: For example our patient records, all the time we must write, this you didn't*
36
37 *find, well, all the negative findings, there wasn't this, there wasn't this, there wasn't*
38
39 *this... just think about the amount of resources that are spent on not having trust in*
40
41 *professionals and all the time we have to beware, beware, beware, document,*
42
43 *document, document!*
44
45
46
47

48
49 When talking about how the tendency to document had increased in recent years, some of the GPs
50
51 characterised the patient record as “word salad” and “spam” paradoxically compromising the
52
53 quality of care and patient safety. To further illustrate this point, one male GP even brought a print
54
55 of a patient's medical record, displaying the progression in note length over the past five years
56
57
58
59
60

1
2
3
4 while uttering:
5
6
7

8 *FG4GP2: Patient records just get longer and longer. The clarity and the details are*
9 *lost and the patient trajectories almost drown in documentation.*
10
11
12
13

14
15 **Subtheme: Patient pressure**
16

17 All participating GPs talked about how they felt pressured to act defensively because of an
18 increasing request from patients for medical examinations and referrals to specialists, leaving the
19 GP with the impression that generally and compared to earlier, patients lack confidence in the
20 clinical assessment of today's GPs.
21
22
23
24
25
26
27

28 Across groups the GPs agreed that the socioeconomically privileged patients constituted a
29 particularly demanding patient category:
30
31
32
33
34

35 *FG1GP3: Generally, it's the kind of people who are well functioning who have the*
36 *capacities to operate within this system and who have the resources to turn up at the*
37 *doctor's office and put their foot down and demand to be given this or that, right?*
38
39

40 *And it's not always those who really need the examinations that get through, is it?*
41
42

43 *FG1GP6: Nope, it's not social classes five-seven, definitely not!*
44
45
46
47

48 Patients holding supplemental private health insurances were in particular experienced to exert
49 pressure in that their insurance company had given them the prospect of a private treatment
50 provided that their GP would refer them to these further examinations:
51
52
53
54
55
56
57
58
59
60

1
2
3
4 FG1GP6: *Private health insurances are a substantial factor. Yes, there we are under*
5
6 *great pressure, because their health insurance company has held out the prospect that*
7
8 *they can be seen at a private hospital within a few days and they can have a scan.*
9
10 *“You just need a referral from your GP”. We hear that SO often.*
11
12

13
14
15 Furthermore, the group of psychosomatic patients was by several of the GPs mentioned as a source
16 of patient pressure:
17
18

19
20
21 *FG3GP2: I think that our psychosomatic patients are probably the group of patients*
22 *that pressure us the most to do the strangest things and afterwards one thinks:*
23
24 *“Come on! Why on earth did I agree to give that referral for this completely*
25
26 *unnecessary examination?”*
27
28
29
30
31
32

33 The GPs agreed that resisting patient pressure was further complicated and challenged by the
34 dominating influence of the media. Several GPs pointed out that although increase in health
35 education is generally a positive development, the health warnings communicated through the
36 media, sometimes based on dubious scientific evidence, result in patients becoming increasingly
37 fearful and anxious about risk factors and alarm symptoms, motivating them to request for specific
38 tests and examinations.
39
40
41
42
43
44

45
46 The increase in patient complaints was also considered to be a result of the mass media’s
47 exposure of single stories of incompetent physicians and making people conscious of their “rights”,
48 e.g. to treatment guarantees, to complain/sue for malpractice with the prospect of receiving
49 compensation.
50
51
52
53
54
55
56
57
58
59
60

Subtheme: Self-pressure

The GPs acknowledged that a pressure deriving from themselves contributed to the increase in defensive medical actions, making some of the GPs voice that “we are our own worst enemy”. One substantial pressure was described as the fear of making errors of judgement having lethal consequences for the patient. A way of minimising this fear in the daily work would be to reduce medical uncertainty to the lowest possible level by ordering further tests and examinations:

FG3GP1: Just overlooking something that has disastrous consequences for another human being – it does not even have to elicit a complaint, but just the risk of overlooking something, I mean that is terrible!

FG3GP2: Yes, then I'd rather play it safe

FG3GP1: Yes, but this has nothing to do with the complaints!

As indicated in the above excerpt the patient complaint as such, which a medical error might elicit, was perceived as secondary compared to the anguish of harming the patient. A culture of infallibility among GPs, in the medical community and in society at large, was highlighted by several of the GPs as maintaining their fear and thus as pressuring them to act defensively.

Every GP had experienced being either a subject or co-subject of a patient complaint at some stage in their career, not least when working in the out-of-hours primary care service. The patient complaints referring to these out-of-hours consultations were referred to as unjustified or ridiculous. The GPs explained that in the out-of-hours primary care service the relational bonds between GP and patients were weak and, consequently, the threshold for complaints particularly low. Generally, the younger doctors were more concerned about receiving a patient complaint than the more experienced GPs.

1
2
3
4
5
6 Subtheme: Peer pressure
7

8 Fear of having one's reputation damaged by colleagues was also perceived as a pressure that could
9 motivate the GPs to perform defensive medical actions. Some of the GPs had experienced malicious
10 statements and gossip by hospital colleagues following a medical error:
11
12
13

14
15
16
17 *FG2GP2: And we have seen how easy it is to have two colleagues stand up together*
18 *and state that the colleague who has made the error must be completely at sixes and*
19 *sevens, right? Total stupid decision, how on earth could this happen?*
20
21
22
23

24
25
26 Other GPs described how they felt pressured to perform a lot of examinations prior to hospitalising
27 a patient, because they had experienced that the hospital physicians demanded as thorough
28 examinations of the patient as possible:
29
30
31
32

33
34
35 *FG2GP4: I mean, they stand there laughing at us when we call from the emergency*
36 *service and we want to hospitalise somebody: "No, you can't just do that without*
37 *measuring both this and that and without having a broad blood picture and having*
38 *cultivated the blood and x-raying this and x-raying that."*
39
40
41
42
43
44
45

46 Another kind of pressure deriving from colleagues or peers was the pressure to refer patients for
47 scans or other examinations because other practitioners, e.g. physiotherapists or chiropractors, were
48 requesting examinations rather than the GP's assessment. Since the practitioner had already held
49 out prospects of a particular examination to the patient, the GPs experienced the situation as
50
51
52
53
54
55
56
57
58
59
60

1
2
3
4 involving a conflict that in most cases would result in giving in to the pressure of the practitioner's
5
6 request:
7
8

9
10 *FG3GP1: It gets really difficult when they have already written down their*
11 *suggestions for further diagnosing and then the patient is already expecting you to*
12 *refer for further diagnostics – then we are kind of checkmate!*
13
14

15
16
17 *FG1GP3:*

18
19 *And I mean, this is really problematic because this is not what our guidelines tell us to*
20 *do, but we can end up acting as defensively as ordering an MR scan after all.*
21
22
23
24

25 26 DISCUSSION

27 28 Summary

29
30 In this study, we explored GPs' understandings of and experiences with DM. We found that GPs
31 understand DM as unnecessary and meaningless medical actions that are carried out as a result of
32 succumbing to daily pressures deriving from four different sources: the system, patients, the GPs
33 themselves and colleagues.
34
35
36
37
38
39

40 41 Comparison with existing literature

42
43 A vast body of literature suggests that recent changes and reforms to which general practice has
44 been subject, such as an increase in external accountability, monitoring and managerial controls as
45 well as the movement towards evidence-based medicine as the dominant rationale for choice of
46 treatment, may not be congruent with the values and sense of professional identity of GPs (15-18).
47
48 Health sociologists argue that the above-mentioned changes in the healthcare system, resulting in a
49 decrease in professional autonomy of physicians, are attributable to powerful large-scale social
50
51
52
53
54
55
56
57
58
59
60

1
2
3
4 developments such as late-capitalism, neoliberalism and post-modernity (19). From this
5
6 perspective, DM together with the identified pressures motivating physicians to act defensively can
7
8 be said to arise from a culture of consumer rights, decreasing trust in the “expert system” that was a
9
10 central tenet of modernity (20), and an increasingly incalculable “risk society” in which rationality
11
12 is partly abandoned in the name of subjectivity (21).
13

14
15 Studies investigating GPs’ emotional responses to their work in general practice support
16
17 the findings of this study that medical actions in which the GPs’ identity, professionalism and
18
19 clinical judgement are compromised are experienced as meaningless and frustrating, potentially
20
21 leading to frustration and disillusion (15, 17). It is argued that a healthcare system emphasising
22
23 standardised biomedical evidence-based practice, based on protocols and guidelines as a means to
24
25 improving population rather than individual health, pays little attention to the context in which
26
27 primary care consultations take place. The exceptional potential of the primary care consultation is
28
29 said to include the continuing and personal GP-patient relationship, a multidimensional approach to
30
31 illness (biopsychosocial) and person-centred medicine (22-24).
32
33

34
35 As we have seen in the above, many GPs changed their professionally informed
36
37 behaviours to adapt to the pressures coming from insistent “consumerist” patients insisting on
38
39 patient rights. Research has described the impact of an increasing consumerist “ethos” in society in
40
41 which medical professional knowledge is made available to lay people, mainly through the mass
42
43 media, hereby challenging the medical dominance of the past as well as the professional identity of
44
45 doctors - and ultimately quality of care (19, 25). The result showing that the well-educated,
46
47 articulated and young patients with minor health problems constituted a particularly demanding
48
49 patient group is in line with research showing that consumerism and decreasing patient deference to
50
51 physicians are influenced by factors such as age, education and by the seriousness of the illness,
52
53 which can discourage consumerism and foster deference (19). Furthermore, our finding that GPs
54
55
56
57
58
59
60

1
2
3
4 feel pressured to act defensively by patients holding supplemental health insurances is supported by
5
6 results from a recent Danish study showing that a majority of the 2000 surveyed GPs perceived this
7
8 patient group as particularly insistent in getting referrals, and that almost half of the GPs felt a
9
10 pressure to refer even when short of a medical indication (26).
11

12
13 In the international literature, one of the major reasons reported for acting defensively is
14
15 the aim to reduce risks of litigation and malpractice suits which as such is not present in Danish
16
17 health care (5). Although patient complaints were reported as a disturbing factor in the daily work
18
19 life of the GPs of this study, the findings showed that the anguish associated with making medical
20
21 mistakes was even more dominating. Physician concerns about the scope of error and their
22
23 sensitivity to the existential uncertainty of medicine have been described elsewhere (15, 27).
24
25 Furthermore, a vast body of literature describes the emotional impact of mistakes, e.g. how making
26
27 medical errors affects physicians unfavourably, creating a strong need for support within the
28
29 medical community (15, 27-30). In a qualitative study investigating the views of doctors on their
30
31 working lives, physicians' feelings of nostalgia for the past were mainly connected to a loss of
32
33 opportunities of informal mutual support between colleagues (15). As the findings of this study
34
35 demonstrate, support from colleagues in the medical community is sometimes lacking, making the
36
37 pressure to act defensively even bigger. These findings highlight the need for enhancing a
38
39 supportive organisational climate and for encouraging interdisciplinary collaboration on reducing
40
41 defensive medicine.
42
43
44
45

46 In 2000, Wu (31) introduced the definition of "second victim", meaning that not only
47
48 patients and relatives may be deeply disturbed by the errors and mistakes made by health
49
50 professionals (32). From this perspective it can be argued that the GPs of today's medical culture
51
52 may live an increased risk of becoming "second victims" not only following burdensome
53
54 complaints, but also as a result of a daily clinical reality in which feelings of pressure from several
55
56
57
58
59
60

1
2
3
4 sources dominate, hereby compromising professional identity, values and ideals.
5
6
7

8 [Implications for practice and research](#)

9
10 Our findings may lead to discussions within the medical establishment about the potential impact of
11 externally imposed policy interventions on GPs' professional autonomy and sustainability of their
12 work. Our findings indicate that DM will not be reduced without fundamental changes in the
13 dominating cultures surrounding modern medical practice. Awareness of an increasingly defensive
14 medical practice culture and its negative implications has paved the way for a much needed political
15 focus, like the "Choosing Wisely" campaign in the UK launched by the Academy of Medical Royal
16 Colleges last year listing forty tests and treatments that are unlikely to benefit patients, now being
17 adopted to a Danish setting (33). Supplementing such campaigns, it may be of benefit to create
18 alternative solutions to reestablish reflexivity in the medical community concerning matters such as
19 core values and ideals regarding professional identity. However, as this study shows, "choosing
20 wisely" is not a "free choice", but involves a support to the physician from e.g. the professional
21 organisation and moreover time and conditions for discussions with the patients regarding pros and
22 cons for an intervention.
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

39 This study has identified multiple variables for quantitative analysis, e.g. unnecessary tests,
40 referrals and documentation. Future research should aim at estimating the costs of DM in primary
41 care regarding implications for quality of care, professional motivation and satisfaction, time as
42 well as monetary costs.
43
44
45
46
47
48

49 [Acknowledgements](#)

50 The authors wish to thank all the GPs participating in this study for their time and interest.
51
52
53
54
55
56
57
58
59
60

Contributors

EAH, JL, LBP, KMP, AM and MKA were involved in study conception and design. EAH and MKA were involved in acquisition of data. EAH, JL, LBP, KMP, AM and MKA were involved in analysis and interpretation of data. EAH and MKA were involved in drafting of manuscript. JL, LBP, KMP and AM were involved in critical revision of the manuscript.

Funding

This project was funded by the Committee of Quality and Continuing Education Region of Southern Denmark (Kvali-projekt 07/16) (grant number: 16/16269).

Competing interests

None declared

Ethics approval

Ethics approval was granted by *The Danish Data Protection Agency* (J. no.: 16/46654).

Data sharing statement

No additional data are available.

REFERENCES

1. Pellino IM, Pellino G Consequences of defensive medicine, second victims, and clinical-judicial syndrome on surgeons' medical practice and on health service. *Updates Surg.* (2015) 67(4):331-337.
2. DeKay ML, Asch DA Is the defensive use of diagnostic tests good for patients, or bad? *Med Decis Making* (1998) 18(1):19-28.

- 1
2
3
4 3. Chawla A, Gunderman RB Defensive medicine: prevalence, implications, and recommendations.
5
6 Acad Radiol (2008) 15(7):948-949.
7
- 8
9 4. Summerton N Positive and negative factors in defensive medicine: a questionnaire study of
10
11 general practitioners. BMJ. (1995) 310(6971):27-9.
12
- 13
14 5. Bishop TF, Pesko M Does defensive medicine protect doctors against malpractice claims? BMJ.
15
16 (2015) 351:h5786.
17
- 18
19 6. Jena AB, Schoemaker L, Bhattacharya J, Seabury SA Physician spending and subsequent risk of
20
21 malpractice claims: observational study. BMJ. (2015) 351:h5516.
22
- 23
24 7. Reschovsky JD, Saiontz-Martinez CB Malpractice Claim Fears and the Costs of Treating
25
26 Medicare Patients: A New Approach to Estimating the Costs of Defensive Medicine. Health Serv
27
28 Res. (2017), DOI: 10.1111/1475-6773.12660.
29
- 30
31 8. Lov om autorisation af sundhedspersoner og om sundhedsfaglig virksomhed: Styrelsen for
32
33 Patientsikkerhed 2011 [Available from: [https://stps.dk/da/om-os/love-og-](https://stps.dk/da/om-os/love-og-regler/patientklagecentret/oftest-benyttede-love-i-patientklagecenteret/lov-om-autorisation-af-sundhedspersoner-og-om-sundhedsfaglig-virksomhed/)
34
35 [regler/patientklagecentret/oftest-benyttede-love-i-patientklagecenteret/lov-om-autorisation-af-](https://stps.dk/da/om-os/love-og-regler/patientklagecentret/oftest-benyttede-love-i-patientklagecenteret/lov-om-autorisation-af-sundhedspersoner-og-om-sundhedsfaglig-virksomhed/)
36
37 [sundhedspersoner-og-om-sundhedsfaglig-virksomhed/](https://stps.dk/da/om-os/love-og-regler/patientklagecentret/oftest-benyttede-love-i-patientklagecenteret/lov-om-autorisation-af-sundhedspersoner-og-om-sundhedsfaglig-virksomhed/)].
38
- 39
40 9. Sandelowski M Whatever Happened to Qualitative Description? Res Nurse Health. (2000)
41
42 23:334-40.
43
- 44
45 10. Liamputtong P Focus group methodology: principle and practice: Sage Publications Limited
46
47 (2011).
48
- 49
50 11. Vermeire E, Van Royen P, Griffiths F, Coenen S, Peremans L, Hendrickx K The critical
51
52 appraisal of focus group research articles. Eur J of Gen Pract. (2002) 8:104-8.
53
- 54
55 12. Pedersen KM, Andersen JS, Sondergaard J General practice and primary health care in
56
57 Denmark. J Am Board Fam Med. (2012) 25 Suppl 1:S34-38.
58
59
60

- 1
2
3
4 13. Malterud K, Siersma VD, Guassora AD Sample Size in Qualitative Interview Studies: Guided
5
6 by Information Power. *Qual Health Res.* (2015) DOI: 10.1177/1049732315617444
7
8
9 14. Bernard H, Ryan G *Analyzing qualitative data: Systematic approaches*: Sage Publications
10 (2009).
11
12 15. Watt I, Nettleton S, Burrows R The views of doctors on their working lives: a qualitative study.
13 *J R Soc of Med.* (2008). 101(12):592-7.
14
15 16. Nettleton S, Burrows R, Watt I Regulating medical bodies? The consequences of the
16
17 'modernisation' of the NHS and the disembodiment of clinical knowledge. *Sociol Health Illn.*
18
19 (2008) 30(3):333-48.
20
21 17. Fairhurst K, May C What general practitioners find satisfying in their work: implications for
22
23 health care system reform. *Ann Fam Med.* (2006) 4(6):500-5.
24
25 18. Austad B, Hetlevik I, Mjølstad BP, Helvik AS Applying clinical guidelines in general practice:
26
27 A qualitative study of potential complications. *BMC Fam Pract.* (2016) 17(1), DOI:
28
29 10.1186/s12875-016-0490-3.
30
31 19. Tousijn W Beyond decline: Consumerism, managerialism and the need for a new medical
32
33 professionalism. *Health Soc Rev.* (2006) 15(5):469-80.
34
35 20. Giddens A *The consequences of modernity*. Cambridge: Polity Press (1990)
36
37 21. Beck U *Risk Society, Towards a New Modernity*. London: Sage Publications (1992).
38
39 22. Balint M *The Doctor, his Patient and the Illness*. London: Pitman Medical (1957)
40
41 23. Cassell EJ *Doctoring: The Nature of Primary Care Medicine*. Oxford: Oxford University Press
42
43 (1997)
44
45 24. Mead N, Bower P Patient-centredness: a conceptual framework and review of the empirical
46
47 literature. *Soc Sci & Med.* (1982) 2000;51(7):1087-110.
48
49
50
51
52
53
54
55
56
57
58
59
60

- 1
2
3
4 25. Fang H, Miler N, Rizzo J, Zeckhauser R Demanding Customers: Consumerist Patients and
5
6 Quality of Care. *The BE Journal of Economic Analysis & Policy* (2011) 11(1), DOI:
7
8 10.3386/w14350
9
10 26. Andersen M, Pedersen L, Dupont M, Pedersen K, Munck A, Nexøe J General practitioners'
11
12 attitudes towards and experiences with referrals due to supplemental health insurance. *Fam Pract.*
13
14 (2017) DOI: 10.1093/fampra/cmz035
15
16 27. Rowe M Doctors' responses to medical errors. *Crit Rev Oncol Hematol.* (2004) 52(3):147-63.
17
18 28. Newman MC The emotional impact of mistakes on family physicians. *Arch Fam Med.* (1996)
19
20 5(2):71-5.
21
22 29. Christensen JF, Levinson W, Dunn PM The heart of darkness: the impact of perceived mistakes
23
24 on physicians. *J Gen Intern Med.* (1992) 7(4):424-31.
25
26 30. Allsop J, Mulcahy L Maintaining professional identity: Doctors' responses to complaints. *Soc*
27
28 *Health Illness* (1998) 20(6):802-24.
29
30 31. Wu AW Medical error: the second victim. The doctor who makes the mistake needs help too.
31
32 *BMJ.* (2000) 320(7237):726-7.
33
34 32. Seys D, Wu AW, Van Gerven E, Vleugels A, Euwema M, Panella M, et al. Health care
35
36 professionals as second victims after adverse events: a systematic review. *Eval Health Prof.* (2013)
37
38 36(2):135-62.
39
40 33. Malhotra A, Maughan D, Ansell J, Lehman R, Henderson A, Gray M, et al. Choosing Wisely in
41
42 the UK: the Academy of Medical Royal Colleges' initiative to reduce the harms of too much
43
44 medicine. *BMJ.* (2015) 350.
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

Focus groups N=28 (14 men; 14 women)	1	2	3	4	5	6
Age range	42-58	40-52	54-55	46-52	64-69	30-68
Mean	45	46	54	50	67	45
GP practice type: Group (two or more GPs): G (N) Single handed SH (N)	G (8)	G (3)	G (3)	G (4)	G (4) 1 (SH)	G (5)
Practice location: urban: U (N) or rural: R (N)	U (7) R (1)	R (3)	U (1) R (2)	U (4)	U (2) R (3)	U (5)
Man (N)	0	2	0	4	5	3
Woman (N)	8	1	3	0	0	2
Total (N)	8	3	3	4	5	5

Table 1: Demographic characteristics of participants

<u>Main themes</u>	<u>Probing questions</u>
<u>Understandings of DM</u>	<i>What do you at first understand by the concept "Defensive medicine" when you hear it?</i>
<u>Exchange of experiences</u>	<i>As a way of further approaching the concept, we would ask you to look back on the last couple of weeks in your practice. Can you recall a doctor-patient situation, that you would describe as defensive?</i>
<u>Motives</u>	<i>Now that you have listened to each other you might recognize some features and situations from your own practice. If you again recall the specific situation, which you have described, what do you think was the reason(s) for acting as you did?</i>
<u>Perceptions</u>	<p><i>Can you try to describe how you perceived these situations?</i></p> <ul style="list-style-type: none"> - <i>What kind of feelings did they initiate (if any)?</i> - <i>To what extent do these types of situations fill your mind?</i> - <i>How often do these types of consultations occur in your daily practice? (e.g. never, seldom, often?)</i>

	<p>- <i>If you look back in time, do you think you would have acted differently ten years ago?</i></p>
<p><u>Experiences with complaints</u></p>	<p><i>Can you try to describe you experiences with receiving complaints?</i></p> <p><i>If you have received a complaint, how did it affect you? Has it made you change anything in you clinical behaviour?</i></p> <p>- <i>If no, do you think that it would affect your future clinical behaviour?</i></p>
<p><u>Perspective</u></p>	<p><i>If we look back on what we have talked about until now, do you have the same understanding of the concept "DM" as when we started out discussing it?</i></p>

Table 2: Topic guide for the focus group interviews

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

BMJ Open

How is defensive medicine understood and experienced in a primary care setting? A qualitative focus group study among Danish general practitioners

Journal:	<i>BMJ Open</i>
Manuscript ID	bmjopen-2017-019851.R1
Article Type:	Research
Date Submitted by the Author:	08-Nov-2017
Complete List of Authors:	Assing Hvidt, Elisabeth; Syddansk Universitet Det Sundhedsvidenskabelige Fakultet, Department of Public Health, Research Unit of General Practice Lykkegaard, Jesper; Syddansk Universitet Det Sundhedsvidenskabelige Fakultet, Department of Public Health, Research Unit of General Practice Pedersen, Line Bjornskov; Syddansk Universitet Det Samfundsvidenskabelige Fakultet, Department of Business and Economics, COHERE; Syddansk Universitet Det Sundhedsvidenskabelige Fakultet, Department of Public Health, Research Unit of General Practice Pedersen, Kjeld; Syddansk Universitet Det Samfundsvidenskabelige Fakultet, Department of Business and Economics, COHERE Munck, Anders; Syddansk Universitet Det Sundhedsvidenskabelige Fakultet, Department of Public Health, Research Unit of General Practice Kousgaard Andersen, Merethe; Syddansk Universitet Det Sundhedsvidenskabelige Fakultet, Department of Public Health, Research Unit of General Practice
Primary Subject Heading:	General practice / Family practice
Secondary Subject Heading:	Diagnostics, Communication, Patient-centred medicine, Qualitative research
Keywords:	GENERAL MEDICINE (see Internal Medicine), PRIMARY CARE, QUALITATIVE RESEARCH

SCHOLARONE™
Manuscripts

1
2
3
4 **1 How is defensive medicine understood and experienced in a primary care setting? A**

5
6 **2 qualitative focus group study among Danish general practitioners**

7
8
9 3

10
11 4 Elisabeth Assing Hvidt^{a*}, Jesper Lykkegaard^a, Line Bjørnskov Pedersen^{ab}, Kjeld Møller Pedersen^b,

12
13 5 Anders Munck^a, Merethe Kousgaard Andersen^a

14
15 6

16
17 7 ^{a)} Research Unit of General Practice, Department of Public Health, University of Southern Denmark

18
19 8 ^{b)} Department of Business and Economics, COHERE, University of Southern Denmark

20
21
22 9

23
24 10

25
26 11 Corresponding author at:

27 12 Elisabeth Assing Hvidt

28 13 Research Unit of General Practice, Department of Public Health, University of Southern Denmark

29 14 J.B. Winsløvsvej 9 A

30 15 5000 Odense, Denmark

31 16 Tel: +45 61787777

32 17 Email : ehvidt@health.sdu.dk

33 18
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

1 ABSTRACT

2 **Objectives:** Recent years have witnessed a progressive increase in defensive medicine (DM) in
3 several Western welfare countries. In Danish primary and secondary care, documentation on the
4 extent of DM is lacking. Before investigating the extent of DM we wanted to explore how the
5 phenomenon is understood and experienced in the context of general practice in Denmark. The
6 objective of the study was to describe the phenomenon of DM as understood and experienced by
7 Danish general practitioners (GPs).

8 **Design:** A qualitative methodology was employed and data were generated through six focus group
9 interviews with 3-8 GPs per group (n = 28) recruited from the Region of Southern Denmark. Data
10 were analysed using a thematic content analysis inspired by a hermeneutic-phenomenological focus
11 on understanding and meaning.

12 **Results** DM is understood as unnecessary and meaningless medical actions, carried out mainly
13 because of external demands that run counter to the GP's professionalism. Several sources of
14 pressure to act defensively were identified by the GPs: the system's pressure to meet external
15 regulations, demands from consumerist patients and a culture among GPs and peers of infallibility
16 and zero-risk tolerance.

17 **Conclusions** GPs understand DM as unnecessary and meaningless actions driven by external
18 demands instead of a focus on the patient's problem. GPs consider defensive actions to be carried
19 out as a result of succumbing to various sources of pressure deriving from the system, the patients,
20 the GPs themselves and peers.

21 **Keywords:** Defensive medicine, general practice, primary health care, qualitative research

22

23

24

1 Strengths and limitations of this study

- 2 • Employing a qualitative methodology eliciting discussion and reflection among GPs, we
3 have been able to achieve a nuanced understanding of DM that is closely connected to the
4 everyday experiences, routines, activities and views of GPs in relation to DM.
- 5 • Whereas it is beyond the methodological scope of his study to claim empirical
6 generalisability, the research findings are transferable to other GPs, physicians and health
7 professionals from similar cultural and organisational contexts and with countries with
8 similar institutional, legal and medical systems.
- 9 • Further validity and depth could have been added to the study if additional individual
10 interviews with the participating GPs had been conducted subsequently, making it possible
11 to deepen some of the themes on an individual basis and to shed light on possible
12 information bias resulting from lacking confidence in a group.

14 INTRODUCTION

15 Rapid developments in medical technology, increases in medical expertise together with societal
16 changes have contributed to several beneficial changes in the healthcare sector, e.g. sophisticated
17 diagnostic and treatment procedures and a less authoritative doctor-patient relationship (1).

18 However, recent years' medical developments have also promoted a culture in which high
19 expectations for diagnosing, treatment and cure encourage health service users to sue for
20 malpractice or lodge formal complaints to health authorities, hereby encouraging physicians to
21 practice defensively (2). Defensive medicine is commonly defined as a deviation from standard
22 medical practice due to fear of malpractice liability claims (1, 3). The deviating medical practice
23 may include two types of behaviour: an "assurance behaviour" involving the ordering of more tests

1 and procedures than medically indicated and an “avoidance behaviour” in which the physician
2 avoids high-risk procedures and/or patients to distance him/herself from malpractice liability (4, 5).

3 Many scholars claim defensive medicine to be a disadvantageous phenomenon, arguing that
4 practicing DM can be directly harmful to the patient (leading to fear and overtreatment) (6), to
5 society (entailing unwarranted use of resources) and to physicians (fear of being sued) (7, 8).

6 Investigating the prevalence of DM in a number of international secondary health care settings DM
7 has been found to be highly prevalent in countries such as the US (5, 7, 9, 10), Israel (11), Japan
8 (12), Australia (13) and, within a European setting, in the UK (14), Italy (2, 4) and Belgium (2). As
9 for the prevalence of DM in a primary care setting, a study examining defensive medical practices
10 in primary care in the US showed that almost all GPs acknowledged practice changes in response to
11 the possibility of a patient complaint (8). Specific widespread practices were diagnostic tests,
12 referrals and follow-ups as well as unnecessary medical records. A more recent American study
13 revealed that among specialty groups, primary care physicians contributed the most to DM
14 spending (15).

15 In Denmark, documentation on the extent of DM in general practice as well as in the
16 hospital sector is lacking. Danish physicians are not covered by the culpa legislation, meaning that
17 they cannot be held financially liable for malpractice which instead is covered by the publicly
18 financed Patient Compensation programme - a comprehensive national programme to compensate
19 for patient harm. However, physicians may be sued individually with reference to the Physicians’
20 Act Law (gross negligence) where the maximum penalty is losing their license to practice medicine
21 or fines (16)

22 Little is known about how GPs perceive of DM in a Danish primary care setting and which
23 specific aspects motivate them to practice defensively.

24 Thus, the aim of this study was to identify individual and shared perspectives among GPs

1 on how DM is understood and experienced in their daily clinical work.

2

3 **METHOD**

4 The methodological approach employed was rooted in a qualitative description inspired by a
5 hermeneutic-phenomenological research methodology (17). As a method for data generation, focus
6 group interviews were chosen because their interactional features were fit for exploring subjective
7 understandings, experiences and viewpoints (18, 19).

8

9 **Setting**

10 The Danish healthcare system is tax-financed, and most GP and hospital services are free of charge.
11 Danish GPs act as gatekeepers for access to specialist treatment and are responsible for frontline
12 care 24 hours a day. GP collaborations provide out-of-hours primary care in four out of the five
13 regions (20).

14

15 **Recruitment and sample size**

16 GPs from one of Denmark's five Regions with a minimum of two years of experience in general
17 practice were invited to participate in a focus group interview. Research colleagues, not involved in
18 the study and being practicing GPs themselves, helped identify participants by providing email
19 addresses to primary care clinics. We attempted to achieve variation with respect to age, gender,
20 practice type, practice experience and practice location (rural or urban area). The final purposive
21 sample comprised 28 GPs (14 males and 14 females) between 36 and 68 years of age (see Table 1
22 for participant characteristics). All participants gave their written informed consent, and ethical
23 approval was obtained from the *Danish Data Protection Agency* (J. no.: 16/46654).

24

1 **Data generation**

2 Six focus group interviews (with 3-8 participants per group) were held between October 2016 and
3 May 2017. The first author, a sociologist and an experienced qualitative researcher, moderated all
4 six groups and had neither professional knowledge of nor experience with DM. The last author, a
5 researcher and practicing GP, acted as co-moderator in five out of six focus groups. Both
6 researchers consciously and continuously explored their prejudgements about the phenomenon and
7 wrote down field notes during or after each interview. The interviews were conducted in the office
8 of one of the group informants (three groups), at a regional meeting room (two groups) or in the
9 private home of one of the informants (one group). To facilitate a gradual disclosure of the GPs'
10 understandings and experiences as they related to DM, we followed a semi-structured interview
11 guide with open-ended questions (Table 2). Each focus group interview was initiated with a
12 presentation of the explorative aim of the study, namely to capture individual and shared
13 understandings of and experiences with DM as they related to daily clinical practice. Consequently,
14 no formal definition of DM was presented. The recruitment of new groups continued until sufficient
15 information power regarding the subject at hand was achieved (21). The discussions lasted from one
16 hour to 75 minutes and were all digitally recorded, then transcribed verbatim by a secretary, and
17 validated by the researchers who moderated the interviews.

18 **Data analysis**

19 Data were analysed according to the core principles of a thematic analysis approach inspired by a
20 hermeneutic-phenomenological focus on understanding and meaning (22). The first and last authors
21 (EAH and MKA) performed the analysis. The continuous analytic process, with description of
22 coding themes, was presented to and discussed with the other members of the author group at
23 regular analytic meetings. The analytic process moved through the following stages: interview
24

1 transcripts were read in their entirety several times to gain a general understanding of the data. The
2 text was divided into meaning units that were grounded in the particularity of what was being said
3 by the participants (22). The subsequent stage of analysis aimed at transforming meaning units into
4 larger themes with special attention to how they related to the research questions. Significant
5 meaning units documenting participants' understandings of and experiences with DM were
6 categorised. Some of the meaning units were found to be replete with utterances that described
7 experiences of pressure. These utterances were categorised into different types of pressure. We
8 acknowledge that they cannot be considered exhaustive and may overlap. In the following, the key
9 themes and subthemes are presented with exemplary data sequences.

11 RESULTS

12 Theme 1: GPs' understanding of DM

13 In most focus groups, GPs were quick to respond to the question about what they understood by the
14 phenomenon of DM. With few variations, GPs stated that they understood DM as medical actions
15 performed without medical indication in order to "cover one's back" and to secure oneself against
16 patient complaints. Interestingly, however, when exploring and discussing the phenomenon of DM
17 more in depth, several of the GPs found that this understanding was not sufficiently comprehensive
18 when considering the plethora of daily defensive actions in general practice. Across groups
19 understandings of DM were broadened to involve all those unnecessary and meaningless medical
20 actions performed due to external demands that run counter to the GP's professionalism and
21 common sense. For example, one of the GPs remarked:

1
2
3
4 1 *FG5GP5: One tends to immediately think that it's something we do to protect*
5
6 2 *ourselves against patient claims, right, but in reality, maybe it's more like the sum of*
7
8 3 *unnecessary actions that makes it a little exhausting to be a GP?!*
9
10 4

11
12
13 5 Extending the above understanding of DM, several of the GPs described DM as practices that one
14
15 6 does as a result of pressure from something or somebody. One male GP described the feeling of
16
17 7 being pressured in the following way:
18
19 8

20
21
22 9 *FG4GP2: You are defending yourself against something, and I can think of many I*
23
24 10 *must defend myself against. Must I defend myself against the patients? Must I defend*
25
26 11 *myself against the medical officer of health? Must I defend myself against my*
27
28 12 *colleagues? Must I defend myself against my own medical conscience? So, there are*
29
30 13 *many things one can defend oneself against, and in this way, I think the*
31
32 14 *concept can take up much space in everyday life!*
33
34
35 15

36
37 16 Resonating with the above account, other GPs across groups consistently talked about how they
38
39 17 experienced that defensive medicine as it unfolded in daily clinical practice resulted from daily
40
41 18 pressures. In the following section these different experiences of pressure that motivated the GPs to
42
43 19 practice defensively will be outlined.
44
45
46 20

47 48 21 **Theme 2: GPs' own experiences with DM**

49 50 22 **Subtheme: System pressure**

51
52
53 23 A majority of the GPs talked about how “the system”, in many cases personified by the politicians
54
55 24 and health authorities, pressured them to practice defensive medicine. These practices resulted from
56
57
58
59
60

1
2
3
4 1 the system-imposed demand to comply and implement evidence-based standardized care such as
5
6 2 *clinical guidelines, fast-track packages* (e.g. cancer packages) and *treatment guarantees*. According
7
8 3 to the GPs these imperatives often resulted in “thin” or “nonsense” referrals. These actions were
9
10 4 considered to be defensive because they were more substantiated by a pressure to live up to political
11
12 5 regulations and time warrants than to meaningful clinical decision-making.

13
14
15 6 The experience among several of the GPs was that the obligation to comply with and
16
17 7 implement clinical guidelines and refer patients to fast-track packages was undermining the
18
19 8 individual GP’s clinical assessment and professionalism:

20
21
22 9
23
24 10 *FG4GP4: Society dictates that we must act on specific symptoms in such a way that*
25
26 11 *we actually put aside our own professionalism...and so our professionalism is not in*
27
28 12 *great demand any longer.*

29
30
31 13
32
33 14 In relation to this, some GPs experienced that the national clinical guidelines were often not in
34
35 15 accordance with their own clinical reality, despite being allegedly evidence-based. Practicing
36
37 16 defensively by applying the guidelines without reflecting on their meaningfulness and thus pushing
38
39 17 patients into rigid structures would, according to several of the GPs, too often do harm to the
40
41 18 patients, e.g. by leading to anxiety and overtreatment. Along these lines, other GPs said that acting
42
43 19 defensively reflected a “zero tolerance culture”:

44
45
46 20
47
48 21 *FG4GP3: So we are asked to be very defensive, not to defend, or not to protect*
49
50 22 *ourselves, but because society has decided that we cannot live with the teeny-weeny*
51
52 23 *risk that somebody calls the doctor and is told to take a pain killer and it turns out*
53
54
55
56
57
58
59
60

1
2
3
4 1 *that they have a brain tumor or something, and I think that with this decision we shoot*
5
6 2 *completely above the target!*
7
8
9 3

10 4 Another recurring theme when reflecting on own experiences with DM was the
11 demand to document (what some of the GPs described as “limitless, meaningless documentation”),
12 that the government policy had imposed on the GPs for quality appraisal purposes. One practice
13 that was particularly described as defensive by the GPs was the documentation of patient records
14 involving long enumerations of negative clinical findings:
15
16
17
18
19
20
21
22
23

24 10 *FG1GP1: For example our patient records, all the time we must write, this you didn't*
25 *find, well, all the negative findings, there wasn't this, there wasn't this, there wasn't*
26 *this... just think about the amount of resources that are spent on not having trust in*
27 *professionals and all the time we have to beware, beware, beware, document,*
28 *document, document!*
29
30
31
32
33
34
35
36

37 16 When talking about how the tendency to document had increased in recent years, some of the GPs
38 characterised the patient record as “word salad” and “spam” paradoxically compromising the
39 quality of care and patient safety. To further illustrate this point, one male GP even brought a print
40 of a patient's medical record, displaying the progression in note length over the past five years
41 while uttering:
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

51 22 *FG4GP2: Patient records just get longer and longer. The clarity and the details are*
52 *lost and the patient trajectories almost drown in documentation.*
53
54
55
56
57
58
59
60

1
2
3
4 1 Subtheme: Patient pressure

5
6 2 All participating GPs talked about how they felt pressured to act defensively because of an
7
8 3 increasing request from patients for medical examinations and referrals to specialists, leaving the
9
10 4 GP with the impression that generally and compared to earlier, patients lack confidence in the
11
12 5 clinical assessment of today's GPs. Across groups the GPs agreed that the socioeconomically
13
14 6 privileged patients constituted a particularly demanding patient category:
15
16
17 7

18
19 8 *FG1GP3: Generally, it's the kind of people who are well functioning who have the*
20
21 9 *capacities to operate within this system and who have the resources to turn up at the*
22
23 10 *doctor's office and put their foot down and demand to be given this or that, right?*
24
25 11 *And it's not always those who really need the examinations that get through, is it?*
26
27
28 12

29 13 *FG1GP6: Nope, it's not social classes five-seven, definitely not!*
30
31
32

33 14 Patients holding supplemental private health insurances were in particular experienced to exert
34
35 15 pressure in that their insurance company had given them the prospect of a private treatment
36
37 16 provided that their GP would refer them to these further examinations:
38
39
40 17

41
42 18 *FG1GP6: Private health insurances are a substantial factor. Yes, there we are under*
43
44 19 *great pressure, because their health insurance company has held out the prospect that*
45
46 20 *they can be seen at a private hospital within a few days and they can have a scan.*
47

48 21 *"You just need a referral from your GP". We hear that SO often.*
49
50
51 22

52
53 23 Furthermore, the group of psychosomatic patients was by several of the GPs mentioned as a source
54
55 24 of patient pressure:
56
57
58
59
60

1

2

FG3GP2: I think that our psychosomatic patients are probably the group of patients

3

that pressure us the most to do the strangest things and afterwards one thinks:

4

“Come on! Why on earth did I agree to give that referral for this completely

5

unnecessary examination?”

6

7

The GPs agreed that resisting patient pressure was further complicated and challenged by the

8

dominating influence of the media. Several GPs pointed out that although increase in health

9

education is generally a positive development, the health warnings communicated through the

10

media, sometimes based on dubious scientific evidence, result in patients becoming increasingly

11

fearful and anxious about risk factors and alarm symptoms, motivating them to request for specific

12

tests and examinations.

13

The increase in patient complaints was also considered to be a result of the mass media’s

14

exposure of single stories of incompetent physicians and making people conscious of their “rights”,

15

e.g. to treatment guarantees, to complain/sue for malpractice with the prospect of receiving

16

compensation.

17

18

Subtheme: Self-pressure

19

The GPs acknowledged that a pressure deriving from themselves contributed to the increase in

20

defensive medical actions, making some of the GPs voice that “we are our own worst enemy”. One

21

substantial pressure was described as the fear of making errors of judgement having lethal

22

consequences for the patient. A way of minimising this fear in the daily work would be to reduce

23

medical uncertainty to the lowest possible level by ordering further tests and examinations:

24

1
2
3
4 1 *FG3GP1: Just overlooking something that has disastrous consequences for another*
5
6 2 *human being – it does not even have to elicit a complaint, but just the risk of*
7
8 3 *overlooking something, I mean that is terrible!*

9
10
11 4 *FG3GP2: Yes, then I'd rather play it safe*

12
13 5 *FG3GP1: Yes, but this has nothing to do with the complaints!*
14
15
16
17

18 7 As indicated in the above excerpt the patient complaint as such, which a medical error might elicit,
19
20 8 was perceived as secondary compared to the anguish of harming the patient. A culture of
21
22 9 infallibility among GPs, in the medical community and in society at large, was highlighted by
23
24 10 several of the GPs as maintaining their fear and thus as pressuring them to act defensively.

25
26 11 Every GP had experienced being either a subject or co-subject of a patient complaint at
27
28 12 some stage in their career, not least when working in the out-of-hours primary care service. The
29
30 13 patient complaints referring to these out-of-hours consultations were referred to as unjustified or
31
32 14 ridiculous. The GPs explained that in the out-of-hours primary care service the relational bonds
33
34 15 between GP and patients were weak and, consequently, the threshold for complaints particularly
35
36 16 low. Generally, the younger doctors were more concerned about receiving a patient complaint than
37
38 17 the more experienced GPs.
39
40
41
42
43

44 19 **Subtheme: Peer pressure**

45
46 20 Fear of having one's reputation damaged by colleagues was also perceived as a pressure that could
47
48 21 motivate the GPs to perform defensive medical actions. Some of the GPs had experienced malicious
49
50 22 statements and gossip by hospital colleagues following a medical error:
51
52
53
54
55
56
57
58
59
60

1
2
3
4 1 *FG2GP2: And we have seen how easy it is to have two colleagues stand up together*
5
6 2 *and state that the colleague who has made the error must be completely at sixes and*
7
8 3 *sevens, right? Total stupid decision, how on earth could this happen?*
9
10 4

11
12
13 5 Other GPs described how they felt pressured to perform a lot of examinations prior to hospitalising
14
15 6 a patient, because they had experienced that the hospital physicians demanded as thorough
16
17 7 examinations of the patient as possible:
18
19 8

20
21
22 9 *FG2GP4: I mean, they stand there laughing at us when we call from the emergency*
23
24 10 *service and we want to hospitalise somebody: "No, you can't just do that without*
25
26 11 *measuring both this and that and without having a broad blood picture and having*
27
28 12 *cultivated the blood and x-raying this and x-raying that."*
29
30 13

31
32
33 14 Another kind of pressure deriving from colleagues or peers was the pressure to refer patients for
34
35 15 scans or other examinations because other practitioners, e.g. physiotherapists or chiropractors, were
36
37 16 requesting examinations rather than the GP's assessment. Since the practitioner had already held
38
39 17 out prospects of a particular examination to the patient, the GPs experienced the situation as
40
41 18 involving a conflict that in most cases would result in giving in to the pressure of the practitioner's
42
43 19 request:
44
45 20

46
47
48 21 *FG3GP1: It gets really difficult when they have already written down their*
49
50 22 *suggestions for further diagnosing and then the patient is already expecting you to*
51
52 23 *refer for further diagnostics – then we are kind of checkmate!*
53
54 24

55
56
57
58
59
60
FG1GP3:

1
2
3
4 1 *And I mean, this is really problematic because this is not what our guidelines tell us to*
5
6 2 *do, but we can end up acting as defensively as ordering an MR scan after all.*
7
8
9 3

4 **DISCUSSION**

5 **Summary**

6 In this study, we explored GPs' understandings of and experiences with DM. We found that GPs in
7 a Danish general practice setting understand DM as unnecessary and meaningless medical actions.
8 Drawing on their daily experiences the GPs furthermore reasoned that these defensive actions are
9 carried out as a result of succumbing to daily pressures deriving from four different sources: the
10 system, patients, the GPs themselves and colleagues.
11

12 **Comparison with existing literature**

13 American and European literature on DM focuses mainly on DM as medical behaviour (either
14 assurance or avoidance behaviour) that follows from malpractice concerns (2, 23, 24). Although
15 complaints constitute a shared concern among the GPs of this study, other forms of pressure appear
16 to motivate a medical behaviour that is experienced as defensive and should be considered as well
17 when trying to apprehend how the phenomenon of DM plays out in different cultural, medical
18 contexts.

19 Supporting the finding that changes in medical behaviour is not only caused by
20 malpractice concerns but also, and even more pervasively, by externally imposed system pressures,
21 the sociological literature argues that recent changes and reforms to which general practice has been
22 subject, such as an increase in external accountability, monitoring and managerial controls as well
23 as the movement towards evidence-based medicine as the dominant rationale for choice of
24 treatment, represent a trend towards disciplining GP behaviour, hereby undermining their autonomy

1 and authority (25-27). Seen from this perspective the GP-perceived system pressures identified in
2 this study might reflect these larger managerial processes in the healthcare system that the GPs'
3 experience as indirectly pressuring them to act defensively.

4 In line with the understanding of DM as unnecessary and meaningless medical actions,
5 studies investigating GPs' emotional responses to their work in general practice find that medical
6 actions in which the GPs' identity, professionalism and clinical judgement are compromised are
7 experienced as meaningless (25, 27). It is argued that a healthcare system emphasising standardised
8 biomedical evidence-based practice, based on protocols and guidelines as a means to improving
9 population rather than individual health, pays little attention to the context in which primary care
10 consultations take place. The exceptional potential of the primary care consultation is said to
11 include the continuing and personal GP-patient relationship, a multidimensional approach to illness
12 (biopsychosocial) and person-centred medicine (28-30).

13 As we have seen in the above, many GPs changed their professionally informed
14 behaviours to adapt to the pressures coming from insistent "consumerist" patients insisting on
15 patient rights. Research has described the impact of an increasing consumerist "ethos" in society in
16 which medical professional knowledge is made available to lay people, mainly through the mass
17 media, hereby challenging the medical dominance of the past as well as the professional identity of
18 doctors - and ultimately quality of care (31, 32). The result showing that the well-educated,
19 articulated and young patients with minor health problems constituted a particularly demanding
20 patient group is in line with research showing that consumerism and decreasing patient deference to
21 physicians are influenced by factors such as age, education and by the seriousness of the illness
22 (32). Furthermore, our finding that GPs feel pressured to act defensively by patients holding
23 supplemental health insurances is supported by results from a recent Danish study showing that a
24 majority of the 2000 surveyed GPs perceived this patient group as particularly insistent in getting

1 referrals, and that almost half of the surveyed GPs felt a pressure to refer even when short of a
2 medical indication (33).

3 Relating to the subtheme of “self pressure”, physicians’ sensitivity to the existential
4 uncertainty of medicine and their concerns about the scope of error is a well-known research theme
5 (25, 34). Furthermore, a vast body of literature describes the emotional impact of mistakes, e.g. how
6 making medical errors affects physicians unfavourably, creating a strong need for support within
7 the medical community (25, 34-37). As the findings of this study demonstrate, support from
8 colleagues in the medical community is sometimes lacking, making the pressure to act defensively
9 even bigger. Relating to this experience, a qualitative study investigating the views of doctors on
10 their working lives, found that physicians’ feelings of nostalgia for the past were mainly connected
11 to a loss of opportunities of informal mutual support between colleagues (25). These findings
12 highlight the need for enhancing a supportive organisational climate and for encouraging
13 interdisciplinary collaboration on reducing defensive medicine.

14 In 2000, Wu (38) introduced the definition of “second victim”, meaning that not only
15 patients and relatives may be deeply disturbed by the errors and mistakes made by health
16 professionals (39). From this perspective it can be argued that the GPs of today’s medical culture
17 may live an increased risk of becoming “second victims” not only following burdensome
18 complaints, but also as a result of a daily clinical reality in which feelings of pressure from several
19 sources dominate, hereby compromising professional identity, values and ideals.

21 [Implications for practice and research](#)

22 Our findings may lead to discussions within the medical establishment about the potential impact of
23 externally imposed policy interventions on GPs’ professional autonomy and sustainability of their
24 work. Our findings indicate that DM will not be reduced without fundamental changes in the

1 dominating cultures surrounding modern medical practice. Awareness of an increasingly defensive
2 medical practice culture and its negative implications has paved the way for a much needed political
3 focus, like the “Choosing Wisely” campaign in the UK launched by the Academy of Medical Royal
4 Colleges last year listing forty tests and treatments that are unlikely to benefit patients, now being
5 adopted to a Danish setting (40). Supplementing such campaigns, it may be of benefit to create
6 alternative solutions to reestablish reflexivity in the medical community concerning matters such as
7 core values and ideals regarding professional identity. However, as this study shows, “choosing
8 wisely” is not a “free choice”, but involves a support to the physician from e.g. the professional
9 organisation and moreover time and conditions for discussions with the patients regarding pros and
10 cons for an intervention.

11 Future research should aim at estimating the costs of DM in primary care regarding
12 implications for quality of care, professional motivation and satisfaction, time as well as monetary
13 costs.

14 Acknowledgements

15 The authors wish to thank all the GPs participating in this study for their time and interest.

16 Contributors

17 EAH, JL, LBP, KMP, AM and MKA were involved in study conception and design. EAH and
18 MKA were involved in acquisition of data. EAH, JL, LBP, KMP, AM and MKA were involved in
19 analysis and interpretation of data. EAH and MKA were involved in drafting of manuscript. JL,
20 LBP, KMP and AM were involved in critical revision of the manuscript.

21 Funding

1 This project was funded by the Committee of Quality and Continuing Education Region of
2 Southern Denmark (Kvali-projekt 07/16) (grant number: 16/16269).

3 **Competing interests**

4 None declared

5 **Ethics approval**

6 Ethics approval was granted by *The Danish Data Protection Agency* (J. no.: 16/46654).

7 **Data sharing statement**

8 No additional data are available.

9

10 **REFERENCES**

- 11 1. Pellino IM, Pellino G. Consequences of defensive medicine, second victims, and clinical-judicial
12 syndrome on surgeons' medical practice and on health service. *Updates Surg.* 2015;67:331-7.
- 13 2. Vandersteegen T, Marneffe W, Cleemput I, Vandijck D, Vereeck L. The determinants of
14 defensive medicine practices in Belgium. *Health Econ Policy Law.* 2016;12:363-86.
- 15 3. US Congress, Office of Technology Assessment. *Defensive medicine and medical malpractice.*
16 Washington, DC: US Government Printing Office; 1994. Publication OTA-H-602.
- 17 4. Panella M, Rinaldi C, Leigheb F, Knesse S, Donnarumma C, Kul S, et al. Prevalence and costs of
18 defensive medicine: a national survey of Italian physicians. *J Health Ser Res Policy.* 2017.doi:
19 10.1177/1355819617707224
- 20 5. Studdert DM, Mello MM, Sage WM, DesRoches CM, Peugh J, Zapert K, et al. Defensive
21 medicine among high-risk specialist physicians in a volatile malpractice environment. *Jama.*
22 2005;293:2609-17.

- 1 6. DeKay ML, Asch DA. Is the defensive use of diagnostic tests good for patients, or bad? Med
2 Decis Making. 1998;18:19-28.
- 3 7. Chawla A, Gunderman RB. Defensive medicine: prevalence, implications, and
4 recommendations. Acad Radiol. 2008;15:948-9.
- 5 8. Summerton N. Positive and negative factors in defensive medicine: a questionnaire study of
6 general practitioners. BMJ 1995;310:27-9.
- 7 9. Bishop TF, Pesko M. Does defensive medicine protect doctors against malpractice claims? BMJ.
8 2015;351:h5786.doi: 10.1136/bmj.h5786.
- 9 10. Jena AB, Schoemaker L, Bhattacharya J, Seabury SA. Physician spending and subsequent risk
10 of malpractice claims: observational study. BMJ. 2015;351:h5516.
- 11 11. Asher E, Greenberg-Dotan S, Halevy J, Glick S, Reuveni H. Defensive medicine in Israel - a
12 nationwide survey. PLoS One. 2012;7:e42613. doi: 10.1371/journal.pone.0042613
- 13 12. Hiyama T, Yoshihara M, Tanaka S, Urabe Y, Ikegami Y, Fukuhara T, et al. Defensive medicine
14 practices among gastroenterologists in Japan. World J Gastroenterol. 2006;12:7671-5.
- 15 13. Kessler DP, Summerton N, Graham JR. Effects of the medical liability system in Australia, the
16 UK, and the USA. Lancet. 2006;368:240-6.
- 17 14. Ortashi O, Virdee J, Hassan R, Mutrynowski T, Abu-Zidan F. The practice of defensive
18 medicine among hospital doctors in the United Kingdom. BMC Med Ethics. 2013;14:42.
- 19 15. Reschovsky JD, Saiontz-Martinez CB. Malpractice Claim Fears and the Costs of Treating
20 Medicare Patients: A New Approach to Estimating the Costs of Defensive Medicine. Health Ser
21 Res. 2017.doi: 10.1111/1475-6773.12660
- 22 16. Styrelsen for Patientsikkerhed, [Danish Patient Safety Authority]. Lov om autorisation af
23 sundhedspersoner og om sundhedsfaglig virksomhed 2011 [Available from: <https://stps.dk/da/om->

- 1
2
3
4 1 [os/love-og-regler/patientklagecentret/oftest-benyttede-love-i-patientklagecenteret/lov-om-](#)
5
6 2 [autorisation-af-sundhedspersoner-og-om-sundhedsfaglig-virksomhed/.](#)]
7
8
9 3 17. Sandelowski M. Whatever Happened to Qualitative Description? Res Nurse Health.
10
11 4 2000;23:334-40.
12
13 5 18. Liamputtong P. Focus group methodology: principle and practice: Sage Publications Limited;
14
15 6 2011.
16
17 7 19. Vermeire E, Van Royen P, Griffiths F, Coenen S, Peremans L, Hendrickx K. The critical
18
19 8 appraisal of focus group research articles. Eur J of Gen Pract. 2002;8:104-8.
20
21 9 20. Pedersen KM, Andersen JS, Sondergaard J. General practice and primary health care in
22
23 10 Denmark. J Am Board Fam Med. 2012;25 Suppl 1:S34-8.
24
25 11 21. Malterud K, Siersma VD, Guassora AD. Sample Size in Qualitative Interview Studies: Guided
26
27 12 by Information Power. Qual Health Res. 2015.doi: 10.1177/1049732315617444
28
29 13 22. Bernard H, Ryan G. Analyzing qualitative data: Systematic approaches: Sage Publications;
30
31 14 2009.
32
33 15 23. Summerton N. Trends in negative defensive medicine within general practice. Br J Gen Pract.
34
35 16 2000;50:565-6.
36
37 17 24. Panella M, Rinaldi C, Leigheb F, Donnarumma C, Kul S, Vanhaecht K, et al. The determinants
38
39 18 of defensive medicine in Italian hospitals: The impact of being a second victim. Rev Calid Asist.
40
41 19 2016;31 Suppl 2:20-5.
42
43 20 25. Watt I, Nettleton S, Burrows R. The views of doctors on their working lives: a qualitative study.
44
45 21 J R Soc of Med. 2008;101:592-7.
46
47 22 26. Nettleton S, Burrows R, Watt I. Regulating medical bodies? The consequences of the
48
49 23 'modernisation' of the NHS and the disembodiment of clinical knowledge. Sociol Health Illn.
50
51 24 2008;30:333-48.
52
53
54
55
56
57
58
59
60

- 1
2
3
4 1 27. Fairhurst K, May C. What general practitioners find satisfying in their work: implications for
5
6 2 health care system reform. *Ann Fam Med*. 2006;4:500-5.
7
8 3 28. Balint M. *The Doctor, his Patient and the Illness*. London: Pitman Medical; 1957.
9
10 4 29. Cassell EJ. *Doctoring: The Nature of Primary Care Medicine*. Oxford: Oxford University Press;
11
12 5 1997.
13
14 6 30. Mead N, Bower P. Patient-centredness: a conceptual framework and review of the empirical
15
16 7 literature. *Soc Sci & Med*. 2000;51:1087-110.
17
18 8 31. Fang H, Miler N, Rizzo J, Zeckhauser R. Demanding Customers: Consumerist Patients and
19
20 9 Quality of Care. *The BE Journal of Economic Analysis & Policy*. 2011;11(1).
21
22 10 32. Tousijn W. Beyond decline: Consumerism, managerialism and the need for a new medical
23
24 11 professionalism. *Health Sociology Review*. 2006;15(5):469-80.
25
26 12 33. Andersen M, Pedersen L, Dupont M, Pedersen K, Munck A, Nexøe J. General practitioners'
27
28 13 attitudes towards and experiences with referrals due to supplemental health insurance. *Family*
29
30 14 *Practice*. 2017.doi: 10.1093/fampra/cmz035
31
32 15 34. Rowe M. Doctors' responses to medical errors. *Crit Rev Oncol Hematol*. 2004;52:147-63.
33
34 16 35. Newman MC. The emotional impact of mistakes on family physicians. *Arch Fam Med*.
35
36 17 1996;5:71-5.
37
38 18 36. Christensen JF, Levinson W, Dunn PM. The heart of darkness: the impact of perceived mistakes
39
40 19 on physicians. *J Gen Intern Med*. 1992;7:424-31.
41
42 20 37. Allsop J, Mulcahy L. Maintaining professional identity: Doctors' responses to complaints. *Soc*
43
44 21 *Health and Illness*. 1998;20:802-24.
45
46 22 38. Wu AW. Medical error: the second victim. The doctor who makes the mistake needs help too.
47
48 23 *BMJ*. 2000;320:726-7.
49
50
51
52
53
54
55
56
57
58
59
60

- 1 39. Seys D, Wu AW, Van Gerven E, Vleugels A, Euwema M, Panella M, et al. Health care
 2 professionals as second victims after adverse events: a systematic review. *Eval Health Prof.*
 3 2013;36(2):135-62.
- 4 40. Malhotra A, Maughan D, Ansell J, Lehman R, Henderson A, Gray M, et al. Choosing Wisely in
 5 the UK: the Academy of Medical Royal Colleges' initiative to reduce the harms of too much
 6 medicine. *BMJ.* 2015;350.

Focus groups N=28 (14 men; 14 women)	1	2	3	4	5	6
Age range	42-58	40-52	54-55	46-52	64-69	30-68
Mean	45	46	54	50	67	45
GP practice type: Group (two or more GPs): G (N) Single handed SH (N)	G (8)	G (3)	G (3)	G (4)	G (4) 1 (SH)	G (5)
Practice location: urban: U (N) or rural: R (N)	U (7) R (1)	R (3)	U (1) R (2)	U (4)	U (2) R (3)	U (5)
Man (N)	0	2	0	4	5	3
Woman (N)	8	1	3	0	0	2
Total (N)	8	3	3	4	5	5

Table 1: Demographic characteristics of participants

<u>Main themes</u>	<u>Probing questions</u>
<u>Understandings of DM</u>	<i>What do you at first understand by the concept "Defensive medicine" when you hear it?</i>
<u>Exchange of experiences</u>	<i>As a way of further approaching the concept, we would ask you to look back on the last couple of weeks in your practice. Can you recall a doctor-patient situation, that you would describe as defensive?</i>
<u>Motives</u>	<i>Now that you have listened to each other you might recognize some features and situations from your own practice. If you again recall the specific situation, which you have described, what do you think was the reason(s) for acting as you did?</i>
<u>Perceptions</u>	<i>Can you try to describe how you perceived these situations?</i> <ul style="list-style-type: none"> - <i>What kind of feelings did they initiate (if any)?</i> - <i>To what extent do these types of situations fill your mind?</i> - <i>How often do these types of consultations occur in your daily practice? (e.g. never, seldom, often?)</i> - <i>If you look back in time, do you think you would have</i>

	<i>acted differently ten years ago?</i>
<u>Experiences with complaints</u>	<p><i>Can you try to describe you experiences with receiving complaints?</i></p> <p><i>If you have received a complaint, how did it affect you? Has it made you change anything in you clinical behaviour?</i></p> <p><i>- If no, do you think that it would affect your future clinical behaviour?</i></p>
<u>Perspective</u>	<i>If we look back on what we have talked about until now, do you have the same understanding of the concept "DM" as when we started out discussing it?</i>

Table 2: Interview guide for the focus group interviews

COREQ (CONsolidated criteria for REporting Qualitative research) Checklist

A checklist of items that should be included in reports of qualitative research. You must report the page number in your manuscript where you consider each of the items listed in this checklist. If you have not included this information, either revise your manuscript accordingly before submitting or note N/A.

Topic	Item No.	Guide Questions/Description	Reported on Page No.
Domain 1: Research team and reflexivity			
<i>Personal characteristics</i>			
Interviewer/facilitator	1	Which author/s conducted the interview or focus group?	
Credentials	2	What were the researcher's credentials? E.g. PhD, MD	
Occupation	3	What was their occupation at the time of the study?	
Gender	4	Was the researcher male or female?	
Experience and training	5	What experience or training did the researcher have?	
<i>Relationship with participants</i>			
Relationship established	6	Was a relationship established prior to study commencement?	
Participant knowledge of the interviewer	7	What did the participants know about the researcher? e.g. personal goals, reasons for doing the research	
Interviewer characteristics	8	What characteristics were reported about the interviewer/facilitator? e.g. Bias, assumptions, reasons and interests in the research topic	
Domain 2: Study design			
<i>Theoretical framework</i>			
Methodological orientation and Theory	9	What methodological orientation was stated to underpin the study? e.g. grounded theory, discourse analysis, ethnography, phenomenology, content analysis	
<i>Participant selection</i>			
Sampling	10	How were participants selected? e.g. purposive, convenience, consecutive, snowball	
Method of approach	11	How were participants approached? e.g. face-to-face, telephone, mail, email	
Sample size	12	How many participants were in the study?	
Non-participation	13	How many people refused to participate or dropped out? Reasons?	
<i>Setting</i>			
Setting of data collection	14	Where was the data collected? e.g. home, clinic, workplace	
Presence of non-participants	15	Was anyone else present besides the participants and researchers?	
Description of sample	16	What are the important characteristics of the sample? e.g. demographic data, date	
<i>Data collection</i>			
Interview guide	17	Were questions, prompts, guides provided by the authors? Was it pilot tested?	
Repeat interviews	18	Were repeat interviews carried out? If yes, how many?	
Audio/visual recording	19	Did the research use audio or visual recording to collect the data?	
Field notes	20	Were field notes made during and/or after the interview or focus group?	
Duration	21	What was the duration of the interviews or focus group?	
Data saturation	22	Was data saturation discussed?	
Transcripts returned	23	Were transcripts returned to participants for comment and/or	

Topic	Item No.	Guide Questions/Description	Reported on Page No.
		correction?	
Domain 3: analysis and findings			
<i>Data analysis</i>			
Number of data coders	24	How many data coders coded the data?	
Description of the coding tree	25	Did authors provide a description of the coding tree?	
Derivation of themes	26	Were themes identified in advance or derived from the data?	
Software	27	What software, if applicable, was used to manage the data?	
Participant checking	28	Did participants provide feedback on the findings?	
<i>Reporting</i>			
Quotations presented	29	Were participant quotations presented to illustrate the themes/findings? Was each quotation identified? e.g. participant number	
Data and findings consistent	30	Was there consistency between the data presented and the findings?	
Clarity of major themes	31	Were major themes clearly presented in the findings?	
Clarity of minor themes	32	Is there a description of diverse cases or discussion of minor themes?	

Developed from: Tong A, Sainsbury P, Craig J. Consolidated criteria for reporting qualitative research (COREQ): a 32-item checklist for interviews and focus groups. *International Journal for Quality in Health Care*. 2007. Volume 19, Number 6: pp. 349 – 357

Once you have completed this checklist, please save a copy and upload it as part of your submission. DO NOT include this checklist as part of the main manuscript document. It must be uploaded as a separate file.

BMJ Open

How is defensive medicine understood and experienced in a primary care setting? A qualitative focus group study among Danish general practitioners

Journal:	<i>BMJ Open</i>
Manuscript ID	bmjopen-2017-019851.R2
Article Type:	Research
Date Submitted by the Author:	17-Nov-2017
Complete List of Authors:	Assing Hvidt, Elisabeth; Syddansk Universitet Det Sundhedsvidenskabelige Fakultet, Department of Public Health, Research Unit of General Practice Lykkegaard, Jesper; Syddansk Universitet Det Sundhedsvidenskabelige Fakultet, Department of Public Health, Research Unit of General Practice Pedersen, Line Bjornskov; Syddansk Universitet Det Samfundsvidenskabelige Fakultet, Department of Business and Economics, COHERE; Syddansk Universitet Det Sundhedsvidenskabelige Fakultet, Department of Public Health, Research Unit of General Practice Pedersen, Kjeld; Syddansk Universitet Det Samfundsvidenskabelige Fakultet, Department of Business and Economics, COHERE Munck, Anders; Syddansk Universitet Det Sundhedsvidenskabelige Fakultet, Department of Public Health, Research Unit of General Practice Kousgaard Andersen, Merethe; Syddansk Universitet Det Sundhedsvidenskabelige Fakultet, Department of Public Health, Research Unit of General Practice
Primary Subject Heading:	General practice / Family practice
Secondary Subject Heading:	Diagnostics, Communication, Patient-centred medicine, Qualitative research
Keywords:	GENERAL MEDICINE (see Internal Medicine), PRIMARY CARE, QUALITATIVE RESEARCH

SCHOLARONE™
Manuscripts

1
2
3
4 **1 How is defensive medicine understood and experienced in a primary care setting? A**
5
6 **2 qualitative focus group study among Danish general practitioners**
7

8
9
3

4 Elisabeth Assing Hvidt^{a*}, Jesper Lykkegaard^a, Line Bjørnskov Pedersen^{ab}, Kjeld Møller Pedersen^b,
5 Anders Munck^a, Merethe Kousgaard Andersen^a
6

7

8 a) Research Unit of General Practice, Department of Public Health, University of Southern Denmark

9 b) Department of Business and Economics, COHERE, University of Southern Denmark
10

11

12

13 Corresponding author at:

14 Elisabeth Assing Hvidt

15 Research Unit of General Practice, Department of Public Health, University of Southern Denmark

16 J.B. Winsløvsvej 9 A

17 5000 Odense, Denmark

18 Tel: +45 61787777

19 Email : ehvidt@health.sdu.dk
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

1 ABSTRACT

2 **Objectives:** Recent years have witnessed a progressive increase in defensive medicine (DM) in
3 several Western welfare countries. In Danish primary and secondary care, documentation on the
4 extent of DM is lacking. Before investigating the extent of DM we wanted to explore how the
5 phenomenon is understood and experienced in the context of general practice in Denmark. The
6 objective of the study was to describe the phenomenon of DM as understood and experienced by
7 Danish general practitioners (GPs).

8 **Design:** A qualitative methodology was employed and data were generated through six focus group
9 interviews with 3-8 GPs per group (n = 28) recruited from the Region of Southern Denmark. Data
10 were analysed using a thematic content analysis inspired by a hermeneutic-phenomenological focus
11 on understanding and meaning.

12 **Results** DM is understood as unnecessary and meaningless medical actions, carried out mainly
13 because of external demands that run counter to the GP's professionalism. Several sources of
14 pressure to act defensively were identified by the GPs: the system's pressure to meet external
15 regulations, demands from consumerist patients and a culture among GPs and peers of infallibility
16 and zero-risk tolerance.

17 **Conclusions** GPs understand DM as unnecessary and meaningless actions driven by external
18 demands instead of a focus on the patient's problem. GPs consider defensive actions to be carried
19 out as a result of succumbing to various sources of pressure deriving from the system, the patients,
20 the GPs themselves and peers.

21 **Keywords:** Defensive medicine, general practice, primary health care, qualitative research

22

23

24

1 **Strengths and limitations of this study**

- 2 • Employing a qualitative methodology eliciting discussion and reflection among GPs, we
3 have been able to achieve a nuanced understanding of DM that is closely connected to the
4 everyday experiences, routines, activities and views of GPs in relation to DM.
- 5 • Whereas it is beyond the methodological scope of his study to claim empirical
6 generalisability, the research findings are transferable to other GPs, physicians and health
7 professionals from similar cultural and organisational contexts and with countries with
8 similar institutional, legal and medical systems.
- 9 • Further validity and depth could have been added to the study if additional individual
10 interviews with the participating GPs had been conducted subsequently, making it possible
11 to deepen some of the themes on an individual basis and to shed light on possible
12 information bias resulting from lacking confidence in a group.

14 **INTRODUCTION**

15 Rapid developments in medical technology, increases in medical expertise together with societal
16 changes have contributed to several beneficial changes in the healthcare sector, e.g. sophisticated
17 diagnostic and treatment procedures and a less authoritative doctor-patient relationship (1).

18 However, recent years' medical developments have also promoted a culture in which high
19 expectations for diagnosing, treatment and cure encourage health service users to sue for
20 malpractice or lodge formal complaints to health authorities, hereby encouraging physicians to
21 practice defensively (2). Defensive medicine is commonly defined as a deviation from standard
22 medical practice due to fear of malpractice liability claims (1, 3). The deviating medical practice
23 may include two types of behaviour: an "assurance behaviour" involving the ordering of more tests

1 and procedures than medically indicated and an “avoidance behaviour” in which the physician
2 avoids high-risk procedures and/or patients to distance him/herself from malpractice liability (4, 5).

3 Many scholars claim defensive medicine to be a disadvantageous phenomenon, arguing that
4 practicing DM can be directly harmful to the patient (leading to fear and overtreatment) (6), to
5 society (entailing unwarranted use of resources) and to physicians (fear of being sued) (7, 8).

6 Investigating the prevalence of DM in a number of international secondary health care settings DM
7 has been found to be highly prevalent in countries such as the US (5, 7, 9, 10), Israel (11), Japan
8 (12), Australia (13) and, within a European setting, in the UK (14), Italy (2, 4) and Belgium (2). As
9 for the prevalence of DM in a primary care setting, a study examining defensive medical practices
10 in primary care in the US showed that almost all GPs acknowledged practice changes in response to
11 the possibility of a patient complaint (8). Specific widespread practices were diagnostic tests,
12 referrals and follow-ups as well as unnecessary medical records. A more recent American study
13 revealed that among specialty groups, primary care physicians contributed the most to DM
14 spending (15).

15 In Denmark, documentation on the extent of DM in general practice as well as in the
16 hospital sector is lacking. Danish physicians are not covered by the culpa legislation, meaning that
17 they cannot be held financially liable for malpractice which instead is covered by the publicly
18 financed Patient Compensation programme - a comprehensive national programme to compensate
19 for patient harm. However, physicians may be sued individually with reference to the Physicians’
20 Act Law (gross negligence) where the maximum penalty is losing their license to practice medicine
21 or fines (16)

22 Little is known about how GPs perceive of DM in a Danish primary care setting and which
23 specific aspects motivate them to practice defensively.

24 Thus, the aim of this study was to identify individual and shared perspectives among GPs

1 on how DM is understood and experienced in their daily clinical work.

2

3 **METHOD**

4 The methodological approach employed was rooted in a qualitative description inspired by a
5 hermeneutic-phenomenological research methodology (17). As a method for data generation, focus
6 group interviews were chosen because their interactional features were fit for exploring subjective
7 understandings, experiences and viewpoints (18, 19).

8

9 **Setting**

10 The Danish healthcare system is tax-financed, and most GP and hospital services are free of charge.
11 Danish GPs act as gatekeepers for access to specialist treatment and are responsible for frontline
12 care 24 hours a day. GP collaborations provide out-of-hours primary care in four out of the five
13 regions (20).

14

15 **Recruitment and sample size**

16 GPs from one of Denmark's five Regions with a minimum of two years of experience in general
17 practice were invited to participate in a focus group interview. Research colleagues, not involved in
18 the study and being practicing GPs themselves, helped identify participants by providing email
19 addresses to primary care clinics. We attempted to achieve variation with respect to age, gender,
20 practice type, practice experience and practice location (rural or urban area). The final purposive
21 sample comprised 28 GPs (14 males and 14 females) between 36 and 68 years of age (see Table 1
22 for participant characteristics). All participants gave their written informed consent, and ethical
23 approval was obtained from the *Danish Data Protection Agency* (J. no.: 16/46654).

24

1 **Data generation**

2 Six focus group interviews (with 3-8 participants per group) were held between October 2016 and
3 May 2017. The first author, a sociologist and an experienced qualitative researcher, moderated all
4 six groups and had neither professional knowledge of nor experience with DM. The last author, a
5 researcher and practicing GP, acted as co-moderator in five out of six focus groups. Both
6 researchers consciously and continuously explored their prejudgements about the phenomenon and
7 wrote down field notes during or after each interview. The interviews were conducted in the office
8 of one of the group informants (three groups), at a regional meeting room (two groups) or in the
9 private home of one of the informants (one group). To facilitate a gradual disclosure of the GPs'
10 understandings and experiences as they related to DM, we followed a semi-structured interview
11 guide with open-ended questions (Table 2). Each focus group interview was initiated with a
12 presentation of the explorative aim of the study, namely to capture individual and shared
13 understandings of and experiences with DM as they related to daily clinical practice. Consequently,
14 no formal definition of DM was presented. The recruitment of new groups continued until sufficient
15 information power regarding the subject at hand was achieved (21). The discussions lasted from one
16 hour to 75 minutes and were all digitally recorded, then transcribed verbatim by a secretary, and
17 validated by the researchers who moderated the interviews.

18 **Data analysis**

19 Data were analysed according to the core principles of a thematic analysis approach inspired by a
20 hermeneutic-phenomenological focus on understanding and meaning (22). The first and last authors
21 (EAH and MKA) performed the analysis. The continuous analytic process, with description of
22 coding themes, was presented to and discussed with the other members of the author group at
23 regular analytic meetings. The analytic process moved through the following stages: interview
24

1 transcripts were read in their entirety several times to gain a general understanding of the data. The
2 text was divided into meaning units that were grounded in the particularity of what was being said
3 by the participants (22). The subsequent stage of analysis aimed at transforming meaning units into
4 larger themes with special attention to how they related to the research questions. Significant
5 meaning units documenting participants' understandings of and experiences with DM were
6 categorised. Some of the meaning units were found to be replete with utterances that described
7 experiences of pressure. These utterances were categorised into different types of pressure. We
8 acknowledge that they cannot be considered exhaustive and may overlap. In the following, the key
9 themes and subthemes are presented with exemplary data sequences.

11 RESULTS

12 Theme 1: GPs' understanding of DM

13 In most focus groups, GPs were quick to respond to the question about what they understood by the
14 phenomenon of DM. With few variations, GPs stated that they understood DM as medical actions
15 performed without medical indication in order to "cover one's back" and to secure oneself against
16 patient complaints. Interestingly, however, when exploring and discussing the phenomenon of DM
17 more in depth, several of the GPs found that this understanding was not sufficiently comprehensive
18 when considering the plethora of daily defensive actions in general practice. Across groups
19 understandings of DM were broadened to involve all those unnecessary and meaningless medical
20 actions performed due to external demands that run counter to the GP's professionalism and
21 common sense. For example, one of the GPs remarked:

1
2
3
4 1 *FG5GP5: One tends to immediately think that it's something we do to protect*
5
6 2 *ourselves against patient claims, right, but in reality, maybe it's more like the sum of*
7
8 3 *unnecessary actions that makes it a little exhausting to be a GP?!*
9
10 4

11
12 5 Extending the above understanding of DM, several of the GPs described DM as practices that one
13
14 6 does as a result of pressure from something or somebody. One male GP described the feeling of
15
16 7 being pressured in the following way:
17
18 8

19
20
21 9 *FG4GP2: You are defending yourself against something, and I can think of many I*
22
23 10 *must defend myself against. Must I defend myself against the patients? Must I defend*
24
25 11 *myself against the medical officer of health? Must I defend myself against my*
26
27 12 *colleagues? Must I defend myself against my own medical conscience? So, there are*
28
29 13 *many things one can defend oneself against, and in this way, I think the*
30
31 14 *concept can take up much space in everyday life!*
32
33
34 15

35
36 16 Resonating with the above account, other GPs across groups consistently talked about how they
37
38 17 experienced that defensive medicine as it unfolded in daily clinical practice resulted from daily
39
40 18 pressures. In the following section these different experiences of pressure that motivated the GPs to
41
42 19 practice defensively will be outlined.
43
44 20

45 21 **Theme 2: GPs' own experiences with DM**

46 22 **Subtheme: System pressure**

47 23 A majority of the GPs talked about how “the system”, in many cases personified by the politicians
48
49 24 and health authorities, pressured them to practice defensive medicine. These practices resulted from
50
51
52
53
54
55
56
57
58
59
60

1 the system-imposed demand to comply and implement evidence-based standardized care such as
2 *clinical guidelines, fast-track packages* (e.g. cancer packages) and *treatment guarantees*. According
3 to the GPs these imperatives often resulted in “thin” or “nonsense” referrals. These actions were
4 considered to be defensive because they were more substantiated by a pressure to live up to political
5 regulations and time warrants than to meaningful clinical decision-making.

6 The experience among several of the GPs was that the obligation to comply with and
7 implement clinical guidelines and refer patients to fast-track packages was undermining the
8 individual GP’s clinical assessment and professionalism:

9
10 *FG4GP4: Society dictates that we must act on specific symptoms in such a way that*
11 *we actually put aside our own professionalism...and so our professionalism is not in*
12 *great demand any longer.*

13
14 In relation to this, some GPs experienced that the national clinical guidelines were often not in
15 accordance with their own clinical reality, despite being allegedly evidence-based. Practicing
16 defensively by applying the guidelines without reflecting on their meaningfulness and thus pushing
17 patients into rigid structures would, according to several of the GPs, too often do harm to the
18 patients, e.g. by leading to anxiety and overtreatment. Along these lines, other GPs said that acting
19 defensively reflected a “zero tolerance culture”:

20
21 *FG4GP3: So we are asked to be very defensive, not to defend, or not to protect*
22 *ourselves, but because society has decided that we cannot live with the teeny-weeny*
23 *risk that somebody calls the doctor and is told to take a pain killer and it turns out*

1
2
3
4 1 *that they have a brain tumor or something, and I think that with this decision we shoot*
5
6 2 *completely above the target!*
7

8 3
9
10 4 Another recurring theme when reflecting on own experiences with DM was the
11 demand to document (what some of the GPs described as “limitless, meaningless documentation”),
12 5
13 that the government policy had imposed on the GPs for quality appraisal purposes. One practice
14 6
15 that was particularly described as defensive by the GPs was the documentation of patient records
16 7
17 involving long enumerations of negative clinical findings:
18 8
19

20 9
21
22
23 10 *FG1GP1: For example our patient records, all the time we must write, this you didn't*
24 *find, well, all the negative findings, there wasn't this, there wasn't this, there wasn't*
25 11 *this... just think about the amount of resources that are spent on not having trust in*
26 12 *professionals and all the time we have to beware, beware, beware, document,*
27 13 *document, document!*
28
29
30
31
32 14
33
34
35

36 16 When talking about how the tendency to document had increased in recent years, some of the GPs
37 characterised the patient record as “word salad” and “spam” paradoxically compromising the
38 17
39 quality of care and patient safety. To further illustrate this point, one male GP even brought a print
40 18
41 of a patient's medical record, displaying the progression in note length over the past five years
42 19
43 while uttering:
44 20
45
46
47 21

48
49 22 *FG4GP2: Patient records just get longer and longer. The clarity and the details are*
50 23 *lost and the patient trajectories almost drown in documentation.*
51
52
53 24
54
55
56
57
58
59
60

1
2
3
4 1 Subtheme: Patient pressure

5
6 2 All participating GPs talked about how they felt pressured to act defensively because of an
7
8 3 increasing request from patients for medical examinations and referrals to specialists, leaving the
9
10 4 GP with the impression that generally and compared to earlier, patients lack confidence in the
11
12 5 clinical assessment of today's GPs. Across groups the GPs agreed that the socioeconomically
13
14 6 privileged patients constituted a particularly demanding patient category:
15
16
17 7

18
19 8 *FG1GP3: Generally, it's the kind of people who are well functioning who have the*
20
21 9 *capacities to operate within this system and who have the resources to turn up at the*
22
23 10 *doctor's office and put their foot down and demand to be given this or that, right?*
24
25 11 *And it's not always those who really need the examinations that get through, is it?*
26
27 12

28 13 *FG1GP6: Nope, it's not social classes five-seven, definitely not!*
29
30
31 14

32 14 Patients holding supplemental private health insurances were in particular experienced to exert
33
34 15 pressure in that their insurance company had given them the prospect of a private treatment
35
36 16 provided that their GP would refer them to these further examinations:
37
38 17

39
40 18 *FG1GP6: Private health insurances are a substantial factor. Yes, there we are under*
41
42 19 *great pressure, because their health insurance company has held out the prospect that*
43
44 20 *they can be seen at a private hospital within a few days and they can have a scan.*
45
46 21 *"You just need a referral from your GP". We hear that SO often.*
47
48 22

49
50
51 23 Furthermore, the group of psychosomatic patients was by several of the GPs mentioned as a source
52
53 24 of patient pressure:
54
55
56
57
58
59
60

1

2

FG3GP2: I think that our psychosomatic patients are probably the group of patients

3

that pressure us the most to do the strangest things and afterwards one thinks:

4

“Come on! Why on earth did I agree to give that referral for this completely

5

unnecessary examination?”

6

7 The GPs agreed that resisting patient pressure was further complicated and challenged by the

8 dominating influence of the media. Several GPs pointed out that although increase in health

9 education is generally a positive development, the health warnings communicated through the

10 media, sometimes based on dubious scientific evidence, result in patients becoming increasingly

11 fearful and anxious about risk factors and alarm symptoms, motivating them to request for specific

12 tests and examinations.

13 The increase in patient complaints was also considered to be a result of the mass media’s

14 exposure of single stories of incompetent physicians and making people conscious of their “rights”,

15 e.g. to treatment guarantees, to complain/sue for malpractice with the prospect of receiving

16 compensation.

17

18 **Subtheme: Self-pressure**

19 The GPs acknowledged that a pressure deriving from themselves contributed to the increase in

20 defensive medical actions, making some of the GPs voice that “we are our own worst enemy”. One

21 substantial pressure was described as the fear of making errors of judgement having lethal

22 consequences for the patient. A way of minimising this fear in the daily work would be to reduce

23 medical uncertainty to the lowest possible level by ordering further tests and examinations:

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

1 *FG3GP1: Just overlooking something that has disastrous consequences for another*
2 *human being – it does not even have to elicit a complaint, but just the risk of*
3 *overlooking something, I mean that is terrible!*

4 *FG3GP2: Yes, then I'd rather play it safe*

5 *FG3GP1: Yes, but this has nothing to do with the complaints!*

6
7 As indicated in the above excerpt the patient complaint as such, which a medical error might elicit,
8 was perceived as secondary compared to the anguish of harming the patient. A culture of
9 infallibility among GPs, in the medical community and in society at large, was highlighted by
10 several of the GPs as maintaining their fear and thus as pressuring them to act defensively.

11 Every GP had experienced being either a subject or co-subject of a patient complaint at
12 some stage in their career, not least when working in the out-of-hours primary care service. The
13 patient complaints referring to these out-of-hours consultations were referred to as unjustified or
14 ridiculous. The GPs explained that in the out-of-hours primary care service the relational bonds
15 between GP and patients were weak and, consequently, the threshold for complaints particularly
16 low. Generally, the younger doctors were more concerned about receiving a patient complaint than
17 the more experienced GPs.

18 19 **Subtheme: Peer pressure**

20 Fear of having one's reputation damaged by colleagues was also perceived as a pressure that could
21 motivate the GPs to perform defensive medical actions. Some of the GPs had experienced malicious
22 statements and gossip by hospital colleagues following a medical error:

1
2
3
4 1 *FG2GP2: And we have seen how easy it is to have two colleagues stand up together*
5
6 2 *and state that the colleague who has made the error must be completely at sixes and*
7
8 3 *sevens, right? Total stupid decision, how on earth could this happen?*
9

10 4
11
12 5 Other GPs described how they felt pressured to perform a lot of examinations prior to hospitalising
13
14 6 a patient, because they had experienced that the hospital physicians demanded as thorough
15
16 7 examinations of the patient as possible:
17
18 8

19
20
21 9 *FG2GP4: I mean, they stand there laughing at us when we call from the emergency*
22
23 10 *service and we want to hospitalise somebody: “No, you can’t just do that without*
24
25 11 *measuring both this and that and without having a broad blood picture and having*
26
27 12 *cultivated the blood and x-raying this and x-raying that.”*
28
29
30 13

31
32 14 Another kind of pressure deriving from colleagues or peers was the pressure to refer patients for
33
34 15 scans or other examinations because other practitioners, e.g. physiotherapists or chiropractors, were
35
36 16 requesting examinations rather than the GP’s assessment. Since the practitioner had already held
37
38 17 out prospects of a particular examination to the patient, the GPs experienced the situation as
39
40 18 involving a conflict that in most cases would result in giving in to the pressure of the practitioner’s
41
42 19 request:
43
44 20

45
46
47 21 *FG3GP1: It gets really difficult when they have already written down their*
48
49 22 *suggestions for further diagnosing and then the patient is already expecting you to*
50
51 23 *refer for further diagnostics – then we are kind of checkmate!*
52

53 24 *FG1GP3:*
54
55
56
57
58
59
60

1
2
3
4 1 *And I mean, this is really problematic because this is not what our guidelines tell us to*
5
6 2 *do, but we can end up acting as defensively as ordering an MR scan after all.*
7
8 3

4 DISCUSSION

5 Summary

6 In this study, we explored GPs' understandings of and experiences with DM. We found that GPs in
7 a Danish general practice setting understand DM as unnecessary and meaningless medical actions.
8 Drawing on their daily experiences the GPs furthermore reasoned that these defensive actions are
9 carried out as a result of succumbing to daily pressures deriving from four different sources: the
10 system, patients, the GPs themselves and colleagues.
11

12 Comparison with existing literature

13 American and European literature on DM focuses mainly on DM as medical behaviour (either
14 assurance or avoidance behaviour) that follows from malpractice concerns (2, 23, 24). Although
15 complaints constitute a shared concern among the GPs of this study, other forms of pressure appear
16 to motivate a medical behaviour that is experienced as defensive. Our research thus documents that
17 Danish GPs understand DM in a broader and more differentiated way than how the phenomenon
18 has predominantly been defined within the health economical and judicial literature. We assert that
19 if other GPs, physicians and health professionals from similar cultural and organisational contexts
20 understand and experience DM this way then the research findings of this study complement the
21 traditional definition of DM.

22 Supporting the finding that changes in medical behaviour is not only caused by
23 malpractice concerns but also, and even more pervasively, by externally imposed system pressures,
24 the sociological literature argues that recent changes and reforms to which general practice has been

1 subject, such as an increase in external accountability, monitoring and managerial controls as well
2 as the movement towards evidence-based medicine as the dominant rationale for choice of
3 treatment, represent a trend towards disciplining GP behaviour, hereby undermining their autonomy
4 and authority (25-27). Seen from this perspective the GP-perceived system pressures identified in
5 this study might reflect these larger managerial processes in the healthcare system that the GPs'
6 experience as indirectly pressuring them to act defensively.

7 In line with the understanding of DM as unnecessary and meaningless medical actions,
8 studies investigating GPs' emotional responses to their work in general practice find that medical
9 actions in which the GPs' identity, professionalism and clinical judgement are compromised are
10 experienced as meaningless (25, 27). It is argued that a healthcare system emphasising standardised
11 biomedical evidence-based practice, based on protocols and guidelines as a means to improving
12 population rather than individual health, pays little attention to the context in which primary care
13 consultations take place. The exceptional potential of the primary care consultation is said to
14 include the continuing and personal GP-patient relationship, a multidimensional approach to illness
15 (biopsychosocial) and person-centred medicine (28-30).

16 As we have seen in the above, many GPs changed their professionally informed
17 behaviours to adapt to the pressures coming from insistent "consumerist" patients insisting on
18 patient rights. Research has described the impact of an increasing consumerist "ethos" in society in
19 which medical professional knowledge is made available to lay people, mainly through the mass
20 media, hereby challenging the medical dominance of the past as well as the professional identity of
21 doctors - and ultimately quality of care (31, 32). The result showing that the well-educated,
22 articulated and young patients with minor health problems constituted a particularly demanding
23 patient group is in line with research showing that consumerism and decreasing patient deference to
24 physicians are influenced by factors such as age, education and by the seriousness of the illness

1 (32). Furthermore, our finding that GPs feel pressured to act defensively by patients holding
2 supplemental health insurances is supported by results from a recent Danish study showing that a
3 majority of the 2000 surveyed GPs perceived this patient group as particularly insistent in getting
4 referrals, and that almost half of the surveyed GPs felt a pressure to refer even when short of a
5 medical indication (33).

6 Relating to the subtheme of “self pressure”, physicians’ sensitivity to the existential
7 uncertainty of medicine and their concerns about the scope of error is a well-known research theme
8 (25, 34). Furthermore, a vast body of literature describes the emotional impact of mistakes, e.g. how
9 making medical errors affects physicians unfavourably, creating a strong need for support within
10 the medical community (25, 34-37). As the findings of this study demonstrate, support from
11 colleagues in the medical community is sometimes lacking, making the pressure to act defensively
12 even bigger. Relating to this experience, a qualitative study investigating the views of doctors on
13 their working lives, found that physicians’ feelings of nostalgia for the past were mainly connected
14 to a loss of opportunities of informal mutual support between colleagues (25). These findings
15 highlight the need for enhancing a supportive organisational climate and for encouraging
16 interdisciplinary collaboration on reducing defensive medicine.

17 In 2000, Wu (38) introduced the definition of “second victim”, meaning that not only
18 patients and relatives may be deeply disturbed by the errors and mistakes made by health
19 professionals (39). From this perspective it can be argued that the GPs of today’s medical culture
20 may live an increased risk of becoming “second victims” not only following burdensome
21 complaints, but also as a result of a daily clinical reality in which feelings of pressure from several
22 sources dominate, hereby compromising professional identity, values and ideals.

23 24 [Implications for practice and research](#)

1 Our findings may lead to discussions within the medical establishment about the potential impact of
2 externally imposed policy interventions on GPs' professional autonomy and sustainability of their
3 work. Our findings indicate that DM will not be reduced without fundamental changes in the
4 dominating cultures surrounding modern medical practice. Awareness of an increasingly defensive
5 medical practice culture and its negative implications has paved the way for a much needed political
6 focus, like the "Choosing Wisely" campaign in the UK launched by the Academy of Medical Royal
7 Colleges last year listing forty tests and treatments that are unlikely to benefit patients, now being
8 adopted to a Danish setting (40). Supplementing such campaigns, it may be of benefit to create
9 alternative solutions to reestablish reflexivity in the medical community concerning matters such as
10 core values and ideals regarding professional identity. However, as this study shows, "choosing
11 wisely" is not a "free choice", but involves a support to the physician from e.g. the professional
12 organisation and moreover time and conditions for discussions with the patients regarding pros and
13 cons for an intervention.

14 Future research should aim at estimating the costs of DM in primary care regarding
15 implications for quality of care, professional motivation and satisfaction, time as well as monetary
16 costs.

18 Acknowledgements

19 The authors wish to thank all the GPs participating in this study for their time and interest.

21 Contributors

22 EAH, JL, LBP, KMP, AM and MKA were involved in study conception and design. EAH and
23 MKA were involved in acquisition of data. EAH, JL, LBP, KMP, AM and MKA were involved in

1 analysis and interpretation of data. EAH and MKA were involved in drafting of manuscript. JL,
2 LBP, KMP and AM were involved in critical revision of the manuscript.

3 Funding

4 This project was funded by the Committee of Quality and Continuing Education Region of
5 Southern Denmark (Kvali-projekt 07/16) (grant number: 16/16269).

6 Competing interests

7 None declared

8 Ethics approval

9 Ethics approval was granted by *The Danish Data Protection Agency* (J. no.: 16/46654).

10 Data sharing statement

11 No additional data are available.

12

13 REFERENCES

- 14 1. Pellino IM, Pellino G. Consequences of defensive medicine, second victims, and clinical-judicial
15 syndrome on surgeons' medical practice and on health service. *Updates Surg.* 2015;67:331-7.
- 16 2. Vandersteegen T, Marneffe W, Cleemput I, Vandijck D, Vereck L. The determinants of
17 defensive medicine practices in Belgium. *Health Econ Policy Law.* 2016;12:363-86.
- 18 3. US Congress, Office of Technology Assessment. *Defensive medicine and medical malpractice.*
19 Washington, DC: US Government Printing Office; 1994. Publication OTA-H-602.

- 1 4. Panella M, Rinaldi C, Leigheb F, Knesse S, Donnarumma C, Kul S, et al. Prevalence and costs of
2 defensive medicine: a national survey of Italian physicians. *J Health Ser Res Policy*. 2017.doi:
3 10.1177/1355819617707224
- 4 5. Studdert DM, Mello MM, Sage WM, DesRoches CM, Peugh J, Zapert K, et al. Defensive
5 medicine among high-risk specialist physicians in a volatile malpractice environment. *Jama*.
6 2005;293:2609-17.
- 7 6. DeKay ML, Asch DA. Is the defensive use of diagnostic tests good for patients, or bad? *Med
8 Decis Making*. 1998;18:19-28.
- 9 7. Chawla A, Gunderman RB. Defensive medicine: prevalence, implications, and
10 recommendations. *Acad Radiol*. 2008;15:948-9.
- 11 8. Summerton N. Positive and negative factors in defensive medicine: a questionnaire study of
12 general practitioners. *BMJ* 1995;310:27-9.
- 13 9. Bishop TF, Pesko M. Does defensive medicine protect doctors against malpractice claims? *BMJ*.
14 2015;351:h5786.doi: 10.1136/bmj.h5786.
- 15 10. Jena AB, Schoemaker L, Bhattacharya J, Seabury SA. Physician spending and subsequent risk
16 of malpractice claims: observational study. *BMJ*. 2015;351:h5516.
- 17 11. Asher E, Greenberg-Dotan S, Halevy J, Glick S, Reuveni H. Defensive medicine in Israel - a
18 nationwide survey. *PLoS One*. 2012;7:e42613. doi: 10.1371/journal.pone.0042613
- 19 12. Hiyama T, Yoshihara M, Tanaka S, Urabe Y, Ikegami Y, Fukuhara T, et al. Defensive medicine
20 practices among gastroenterologists in Japan. *World J Gastroenterol*. 2006;12:7671-5.
- 21 13. Kessler DP, Summerton N, Graham JR. Effects of the medical liability system in Australia, the
22 UK, and the USA. *Lancet*. 2006;368:240-6.
- 23 14. Ortashi O, Virdee J, Hassan R, Mutrynowski T, Abu-Zidan F. The practice of defensive
24 medicine among hospital doctors in the United Kingdom. *BMC Med Ethics*. 2013;14:42.

- 1
2
3
4 1 15. Reschovsky JD, Saiontz-Martinez CB. Malpractice Claim Fears and the Costs of Treating
5
6 2 Medicare Patients: A New Approach to Estimating the Costs of Defensive Medicine. Health Ser
7
8 3 Res. 2017.doi: 10.1111/1475-6773.12660
9
10 4 16. Styrelsen for Patientsikkerhed, [Danish Patient Safety Authority]. Lov om autorisation af
11
12 5 sundhedspersoner og om sundhedsfaglig virksomhed 2011 [Available from: 15
16 7 [autorisation-af-sundhedspersoner-og-om-sundhedsfaglig-virksomhed/](https://stps.dk/da/om-os/love-og-regler/patientklagecentret/oftest-benyttede-love-i-patientklagecenteret/lov-om-
17
18 8 autorisation-af-sundhedspersoner-og-om-sundhedsfaglig-virksomhed/).]
19
20 9 17. Sandelowski M. Whatever Happened to Qualitative Description? Res Nurse Health.
21
22 10 2000;23:334-40.
23
24 11 18. Liamputtong P. Focus group methodology: principle and practice: Sage Publications Limited;
25
26 12 2011.
27
28 13 19. Vermeire E, Van Royen P, Griffiths F, Coenen S, Peremans L, Hendrickx K. The critical
29
30 14 appraisal of focus group research articles. Eur J of Gen Pract. 2002;8:104-8.
31
32 15 20. Pedersen KM, Andersen JS, Sondergaard J. General practice and primary health care in
33
34 16 Denmark. J Am Board Fam Med. 2012;25 Suppl 1:S34-8.
35
36 17 21. Malterud K, Siersma VD, Guassora AD. Sample Size in Qualitative Interview Studies: Guided
37
38 18 by Information Power. Qual Health Res. 2015.doi: 10.1177/1049732315617444
39
40 19 22. Bernard H, Ryan G. Analyzing qualitative data: Systematic approaches: Sage Publications;
41
42 20 2009.
43
44 21 23. Summerton N. Trends in negative defensive medicine within general practice. Br J Gen Pract.
45
46 22 2000;50:565-6.
47
48 23 24. Panella M, Rinaldi C, Leigheb F, Donnarumma C, Kul S, Vanhaecht K, et al. The determinants
49
50 24 of defensive medicine in Italian hospitals: The impact of being a second victim. Rev Calid Asist.
51
52 2016;31 Suppl 2:20-5.
53
54
55
56
57
58
59
60

- 1
2
3
4 1 25. Watt I, Nettleton S, Burrows R. The views of doctors on their working lives: a qualitative study.
5
6 2 J R Soc of Med. 2008;101:592-7.
7
8 3 26. Nettleton S, Burrows R, Watt I. Regulating medical bodies? The consequences of the
9
10 4 'modernisation' of the NHS and the disembodiment of clinical knowledge. *Sociol Health Illn*.
11
12 5 2008;30:333-48.
13
14 6 27. Fairhurst K, May C. What general practitioners find satisfying in their work: implications for
15
16 7 health care system reform. *Ann Fam Med*. 2006;4:500-5.
17
18 8 28. Balint M. *The Doctor, his Patient and the Illness*. London: Pitman Medical; 1957.
19
20 9 29. Cassell EJ. *Doctoring: The Nature of Primary Care Medicine*. Oxford: Oxford University Press;
21
22 10 1997.
23
24 11 30. Mead N, Bower P. Patient-centredness: a conceptual framework and review of the empirical
25
26 12 literature. *Soc Sci & Med*. 2000;51:1087-110.
27
28 13 31. Fang H, Miler N, Rizzo J, Zeckhauser R. Demanding Customers: Consumerist Patients and
29
30 14 Quality of Care. *The BE Journal of Economic Analysis & Policy*. 2011;11(1).
31
32 15 32. Tousijn W. Beyond decline: Consumerism, managerialism and the need for a new medical
33
34 16 professionalism. *Health Sociology Review*. 2006;15(5):469-80.
35
36 17 33. Andersen M, Pedersen L, Dupont M, Pedersen K, Munck A, Nexøe J. General practitioners'
37
38 18 attitudes towards and experiences with referrals due to supplemental health insurance. *Family*
39
40 19 *Practice*. 2017.doi: 10.1093/fampra/cmz035
41
42 20 34. Rowe M. Doctors' responses to medical errors. *Crit Rev Oncol Hematol*. 2004;52:147-63.
43
44 21 35. Newman MC. The emotional impact of mistakes on family physicians. *Arch Fam Med*.
45
46 22 1996;5:71-5.
47
48 23 36. Christensen JF, Levinson W, Dunn PM. The heart of darkness: the impact of perceived mistakes
49
50 24 on physicians. *J Gen Intern Med*. 1992;7:424-31.
51
52
53
54
55
56
57
58
59
60

- 1 37. Allsop J, Mulcahy L. Maintaining professional identity: Doctors' responses to complaints. Soc
2 Health and Illness. 1998;20:802-24.
- 3 38. Wu AW. Medical error: the second victim. The doctor who makes the mistake needs help too.
4 BMJ. 2000;320:726-7.
- 5 39. Seys D, Wu AW, Van Gerven E, Vleugels A, Euwema M, Panella M, et al. Health care
6 professionals as second victims after adverse events: a systematic review. Eval Health Prof.
7 2013;36(2):135-62.
- 8 40. Malhotra A, Maughan D, Ansell J, Lehman R, Henderson A, Gray M, et al. Choosing Wisely in
9 the UK: the Academy of Medical Royal Colleges' initiative to reduce the harms of too much
10 medicine. BMJ. 2015;350.

Focus groups	1	2	3	4	5	6
N=28 (14 men; 14 women)						
Age range	42-58	40-52	54-55	46-52	64-69	30-68
Mean	45	46	54	50	67	45
GP practice type: Group (two or more GPs): G (N) Single handed SH (N)	G (8)	G (3)	G (3)	G (4)	G (4) 1 (SH)	G (5)
Practice location: urban: U (N) or	U (7) R (1)	R (3)	U (1) R (2)	U (4)	U (2) R (3)	U (5)

rural: R (N)						
Man (N)	0	2	0	4	5	3
Woman (N)	8	1	3	0	0	2
Total (N)	8	3	3	4	5	5

Table 1: Demographic characteristics of participants

<u>Main themes</u>	<u>Probing questions</u>
<u>Understandings of DM</u>	<i>What do you at first understand by the concept "Defensive medicine" when you hear it?</i>
<u>Exchange of experiences</u>	<i>As a way of further approaching the concept, we would ask you to look back on the last couple of weeks in your practice. Can you recall a doctor-patient situation, that you would describe as defensive?</i>
<u>Motives</u>	<i>Now that you have listened to each other you might recognize some features and situations from your own practice. If you again recall the specific situation, which you have described, what do you think was the reason(s) for acting as you did?</i>
<u>Perceptions</u>	<i>Can you try to describe how you perceived these situations?</i> <ul style="list-style-type: none"> - <i>What kind of feelings did they initiate (if any)?</i> - <i>To what extent do these types of situations fill your</i>

	<p><i>mind?</i></p> <ul style="list-style-type: none"> - <i>How often do these types of consultations occur in your daily practice? (e.g. never, seldom, often?)</i> - <i>If you look back in time, do you think you would have acted differently ten years ago?</i>
<u>Experiences with complaints</u>	<p><i>Can you try to describe your experiences with receiving complaints?</i></p> <p><i>If you have received a complaint, how did it affect you? Has it made you change anything in your clinical behaviour?</i></p> <ul style="list-style-type: none"> - <i>If no, do you think that it would affect your future clinical behaviour?</i>
<u>Perspective</u>	<p><i>If we look back on what we have talked about until now, do you have the same understanding of the concept "DM" as when we started out discussing it?</i></p>

1

2 Table 2: Interview guide for the focus group interviews

3

COREQ (CONsolidated criteria for REporting Qualitative research) Checklist

A checklist of items that should be included in reports of qualitative research. You must report the page number in your manuscript where you consider each of the items listed in this checklist. If you have not included this information, either revise your manuscript accordingly before submitting or note N/A.

Topic	Item No.	Guide Questions/Description	Reported on Page No.
Domain 1: Research team and reflexivity			
<i>Personal characteristics</i>			
Interviewer/facilitator	1	Which author/s conducted the interview or focus group?	
Credentials	2	What were the researcher's credentials? E.g. PhD, MD	
Occupation	3	What was their occupation at the time of the study?	
Gender	4	Was the researcher male or female?	
Experience and training	5	What experience or training did the researcher have?	
<i>Relationship with participants</i>			
Relationship established	6	Was a relationship established prior to study commencement?	
Participant knowledge of the interviewer	7	What did the participants know about the researcher? e.g. personal goals, reasons for doing the research	
Interviewer characteristics	8	What characteristics were reported about the interviewer/facilitator? e.g. Bias, assumptions, reasons and interests in the research topic	
Domain 2: Study design			
<i>Theoretical framework</i>			
Methodological orientation and Theory	9	What methodological orientation was stated to underpin the study? e.g. grounded theory, discourse analysis, ethnography, phenomenology, content analysis	
<i>Participant selection</i>			
Sampling	10	How were participants selected? e.g. purposive, convenience, consecutive, snowball	
Method of approach	11	How were participants approached? e.g. face-to-face, telephone, mail, email	
Sample size	12	How many participants were in the study?	
Non-participation	13	How many people refused to participate or dropped out? Reasons?	
<i>Setting</i>			
Setting of data collection	14	Where was the data collected? e.g. home, clinic, workplace	
Presence of non-participants	15	Was anyone else present besides the participants and researchers?	
Description of sample	16	What are the important characteristics of the sample? e.g. demographic data, date	
<i>Data collection</i>			
Interview guide	17	Were questions, prompts, guides provided by the authors? Was it pilot tested?	
Repeat interviews	18	Were repeat interviews carried out? If yes, how many?	
Audio/visual recording	19	Did the research use audio or visual recording to collect the data?	
Field notes	20	Were field notes made during and/or after the interview or focus group?	
Duration	21	What was the duration of the interviews or focus group?	
Data saturation	22	Was data saturation discussed?	
Transcripts returned	23	Were transcripts returned to participants for comment and/or	

Topic	Item No.	Guide Questions/Description	Reported on Page No.
		correction?	
Domain 3: analysis and findings			
<i>Data analysis</i>			
Number of data coders	24	How many data coders coded the data?	
Description of the coding tree	25	Did authors provide a description of the coding tree?	
Derivation of themes	26	Were themes identified in advance or derived from the data?	
Software	27	What software, if applicable, was used to manage the data?	
Participant checking	28	Did participants provide feedback on the findings?	
<i>Reporting</i>			
Quotations presented	29	Were participant quotations presented to illustrate the themes/findings? Was each quotation identified? e.g. participant number	
Data and findings consistent	30	Was there consistency between the data presented and the findings?	
Clarity of major themes	31	Were major themes clearly presented in the findings?	
Clarity of minor themes	32	Is there a description of diverse cases or discussion of minor themes?	

Developed from: Tong A, Sainsbury P, Craig J. Consolidated criteria for reporting qualitative research (COREQ): a 32-item checklist for interviews and focus groups. *International Journal for Quality in Health Care*. 2007. Volume 19, Number 6: pp. 349 – 357

Once you have completed this checklist, please save a copy and upload it as part of your submission. DO NOT include this checklist as part of the main manuscript document. It must be uploaded as a separate file.