

COMMENTARY

Commentary: You Can Sue Anyone.com

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By [Neil S. Goldberg, MD](#)

I used to think the Internet was the worst way patients could get medical information, but I was mistaken. Even though half of the medical information on the Internet is probably inaccurate, the absolute worst way for anyone to get their information is from commercials for lawyers on television.

In an effort to squeeze money out of a corrupt and broken malpractice court system, lawyers are destroying health care one medication at a time.



By Dr. Neil S. Goldberg

Every day, before I even get a chance to introduce myself to new acne patients, parents make a point of telling me that they don't want that "Accutane drug that's on TV that causes colitis and makes kids commit suicide." The commercials seem to be effective. Apparently, people do believe everything they see on TV.

"Accutane is a very dangerous drug," claims the spokesperson for a video advertisement on www.gregjonesattorney-accutane.com <<http://www.gregjonesattorney-accutane.com/>> . I beg to differ.

My favorite tidbit of deliberate misinformation: "After investigation by the FDA, Accutane was recalled by the manufacturer in 2009," according to another TV commercial for a law firm that you can reach at (800) Bad Drug.

Isotretinoin (Accutane) is the newest target for lawyers looking for an easy mark. The list of other undeserving targets is long.

Studies have refuted all claims in the commercials about the dangers of isotretinoin. The evidence used is often based on anecdotal single cases and rumor, not scientific evidence. Among the millions of patients who have taken the drug since 1983, I bet they have had every disease known to medicine. Blaming isotretinoin for all of these problems is like saying the hole-in-one my patient made during a high school golf tournament while on isotretinoin was due to the drug.

Rare side effects may not appear until millions of patients take a drug after approval. If an unpredictable, unforeseen side effect presents itself, and a company does nothing dishonest to hide or obfuscate the truth, should the company be liable for billions in damages?

Most patients are unaware that the FDA monitors every claim drug manufacturers make about their drugs. Claims that have not been preapproved by the FDA, even if true, are met with fines and penalties. If a drug rep leaves a reprint of an already-published article, they can't highlight it, let alone leave a pen.

Why does the FDA get to micromanage drug companies but can't stop lawyers from lying about drugs and their side effects? Why is there no equivalence?

"Tort reform" and "defensive medicine" are meaningless phrases to most Americans. It is not the total cost of lawsuit awards and malpractice premiums that makes medical care expensive. It is wasting half our time with patients on documentation and useless tests and procedures to keep the lawyers away. Congress passed an almost 2,000-page health care plan but didn't spend a paragraph on the abuse lawyers foist upon us.

What is the cost of this? It makes good drugs less available, it makes new drugs less common, and it makes everything more expensive. If we want to do better, we have to punish lawyers who embellish and flat out lie to garner business. We have to punish lawyers who pursue frivolous lawsuits. We have to get rid of a tort system that punishes the doctors who take care of the most complicated and sick patients in favor of a non-tort system that seeks to help injured patients and identify bad doctors.

If the legal profession refuses to police its own, and if inaccurate and fatuous claims are allowed to be spread over the airwaves, then the government should start to use its muscle to help the medical profession.

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