

## Media Ethics in Malpractice News

### Malpraktis Haberlerinde Medya Etiği

Hatice DEMİR<sup>a</sup>, Gül Berra DOĞAN<sup>b</sup>, Eyüp ŞEKER<sup>c</sup>, Saim Furkan COŞKUN<sup>d</sup>, Şevval Sude ATASOY<sup>e</sup>

#### Abstract

**Aim:** This study aims to assess malpractice news in the Turkish media within the context of media ethics.

**Method:** The research was conducted as part of the "Medicine, Media, and Ethics" lecture offered at the Faculty of Medicine in Muğla Sıtkı Koçman University during the 2023-2024 academic year. The data collection phase was completed between December 20, 2023, and April 3, 2024. A total of 330 news items were included in the research scope, consisting of 204 newspaper reports and 126 news bulletins. The analysis of the data looked at percentage distribution and utilized graphs in its presentation. **Results:** According to the findings of our research, it has been determined that malpractice news in the media has increased rapidly over time that there are approaches that encourage readers to read the news with exaggerated, sensational, and accusatory headlines and that the news content poses a problem for the privacy of physicians. **Conclusions:** Journalists and media organizations are responsible for adopting a professional approach to reporting malpractice news and mitigating its negative impact on society. The media's adverse effects on public perception can promote a litigation culture and lead to problems beyond just the increase in the number of lawsuits. Lawmakers and professional associations should consider the media's influence in the presentation of malpractice reporting and should take relevant interventions on the subject.

**Keywords:** Media; ethics; malpractice; physician; lawsuit.

#### Özet

**Amaç:** Bu araştırma ile Türk medyasında yer alan malpraktis haberlerini medya etiği bağlamında değerlendirmek amaçlanmıştır. **Yöntem:** Araştırma 2023-2024 eğitim öğretim döneminde Muğla Sıtkı Koçman Üniversitesi Tıp Fakültesinde açılan "Tıp, Medya ve Etik" dersi kapsamında gerçekleştirilmiştir. Veri toplama aşaması 20.12.2023-03.04.2024 tarihleri arasında tamamlanmıştır. 204 gazete haberi ve 126 haber bülteni olmak üzere toplamda 330 haber araştırma kapsamına alınmıştır. Verilerin analizinde yüzdelerle dağılıma bakılmış, sunumunda grafiklerden yararlanılmıştır. **Bulgular:** Araştırmamızın sonuçlarına göre medyada yer alan malpraktis haberlerinin zaman içinde hızla artış gösterdiği ve abartılı, sansasyonel ve suçlayıcı başlıklar ile okuyucuyu haberi okumaya teşvik eden yaklaşımlar olduğu, haber içeriklerinin hekimlerin mahremiyetleri için sorun teşkil ettiği belirlenmiştir. **Sonuç:** Gazeteciler ve medya kuruluşları malpraktis haberlerinde raporlanmasında profesyonel bir yaklaşımı benimsemek ve topluma olumsuz etkileri azaltmaktan sorumludur. Medyanın halkın algısı üzerindeki olumsuz etkisi dava kültürünü teşvik etmek ve dava sayılarındaki artışın daha ötesinde sorunlara neden olabilir. Yasa koyucular ve meslek birlikleri malpraktis haberlerinin sunuluşundaki medyanın etkisini göz önünde bulundurmalı ve konu ile ilgili müdahaleler de bulunmalıdırlar.

**Anahtar Kelimeler:** Medya; etik; malpraktis; hekim; dava.

<sup>a</sup> Doktor Öğretim Üyesi, Muğla Sıtkı Koçman Üniversitesi, Tıp Fakültesi, Tıp Tarihi ve Etik Anabilim Dalı, Muğla, Türkiye. ✉hdkureci@mu.edu.tr ORCID: 0000-0002-0041-5658

<sup>b</sup> Öğrenci, Muğla Sıtkı Koçman Üniversitesi, Tıp Fakültesi, Muğla, Türkiye. ORCID: 0009-0000-2182-9641

<sup>c</sup> Öğrenci, Muğla Sıtkı Koçman Üniversitesi, Tıp Fakültesi, Muğla, Türkiye. ORCID: 0009-0009-3006-4439

<sup>d</sup> Öğrenci, Muğla Sıtkı Koçman Üniversitesi, Tıp Fakültesi, Muğla, Türkiye. ORCID: 0009-0009-3989-6485

<sup>e</sup> Öğrenci, Muğla Sıtkı Koçman Üniversitesi, Tıp Fakültesi, Muğla, Türkiye. ORCID: 0009-0008-2283-3878

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## INTRODUCTION

The erosion of trust in the patient-physician relationship and strategies for resolution have become important topics of discussion lately. According to comparative data on public trust in physicians across 29 countries, it's concerning that while Türkiye ranks 5th in trust towards physicians, it comes in 14th in terms of satisfaction with the treatment received during the last physician visit (1). In the patient-physician relationship, while it is expected that satisfaction rates would parallel the sense of trust in the physician, we believe that obtaining data specific to Türkiye could be more beneficial in understanding the reasons for this difference. Recent research indicates that dissatisfaction with healthcare services reduces trust in physicians (2). Trust is not a one-dimensional concept; it can be affected by issues in the delivery of healthcare in the country, individual socio-cultural factors, the patient's clinical situation, and communication, with its degree varying in each case. A mutual trust relationship enhances satisfaction rates and the process of treatment compliance. Otherwise, conflicts in the patient-physician relationship may increase, satisfaction rates may decline, and cases of violence against physicians, malpractice allegations, and defensive medicine practices may rise (3,4).

The World Medical Association has pointed out that the increase in malpractice allegations is due to a few reasons: while medical knowledge and technological advancements provide more opportunities for success than in the past, the interventions also come with greater risks. Additionally, there's the burden placed on physicians to limit healthcare costs, confusion between the right to health and the right to access and maintain health that isn't guaranteed, and the media's role in encouraging patients to complain about physicians, which leads to a loss of trust in physicians (5).

The media has a significant impact on the information, perceptions, and behaviors of society members. It's known that individuals use the Internet not only to gather information about diseases, available treatments, and side effects but also to learn about hospitals and physicians (6,7). According to data from a previous study, four out of ten adults closely follow health news presented in the media (8). According to the findings of another study, individuals tend to read news that has the most impact on their lives (9). It has previously been determined that there is a negative relationship between the increased internet usage of individuals and the trust in physicians. This negative relationship is said to be particularly evident among individuals with lower education levels and those who cannot evaluate the quality of information presented by the media (10,11)

Internet journalism entered Türkiye in the 1980s and has rapidly increased since the 2000s. Nowadays, news can reach more readers quickly on the internet. According to previously published research, it was determined that the media adopted the sensational news style in health journalism and turned the events into a spectacular narrative (12). It is not known how news about physicians in Türkiye affects the patient-physician relationship yet. According to the results of research published in China, it was determined that negative news about physicians negatively affected the perception of the patient-physician relationship among both inpatients and physicians (13). Such news not only undermines the dignity and reputation of institutions and members of the medical profession but also leads to an increase in patients' tendency to see themselves as victims of malpractice, resulting in a decline in public trust in healthcare services (6,14,15). Moreover, decision-makers are influenced by the media's agenda when it comes to creating new regulations related to patient treatment and care (15). In a study conducted in the United States in 2017, it was determined that Virginia hospitals filed 20,054 enforcement proceedings and 9,232 foreclosure cases. The authors also noted that hospitals are using aggressive debt collection techniques to pay for inflated medical expenses and garnishing the wages of low-income U.S. residents (16). After this article was published, a national debate about aggressive hospital billing practices began via the media. According to the results of the research published two years later, it was stated that 59% fewer lawsuits were filed in Virginia hospitals compared to the previous year and the hospitals changed their billing practices. The authors noted that media and patient advocacy initiatives have resulted in a decrease in debt and wage garnishment lawsuits filed with patients, with one large health system in Virginia even promising to change its billing policies after receiving negative media attention for an excessive number of medical debt lawsuits (17).

Today, as internet services continue to evolve, the media is reaching larger audiences. Therefore, professionals in the field must act by ethical standards. Truth, honesty, independence, objectivity, and neutrality are universal principles of media ethics that apply to media members in every country around the world. However, in countries that acquire knowledge about professional ethics, later on, these principles only become apparent when they are grounded in norms. The establishment of ethical principles in the history of journalism in Türkiye spans over half a century. The Press Honor Board was founded on July 24, 1960, through the collaboration of the Journalists' Association and the Journalists' Union. The Press Morals Law was established by the Press Honor Board to protect the press world from external influences and to impose responsibility on its members for their actions (18). Later, with the loss of functionality of the Press Honor Council, in 1972, the Journalists' Association adopted the 'Principles of Journalistic Morals' accepted by the International Press Institute. On February 6, 1988, the Press Council was established and published the Press Professional Principles. In 1997, the Turkish Journalists Association released the Declaration of Rights and Responsibilities of Turkish Journalists (19). Despite a significant amount of time passing since the beginning of journalistic ethics efforts in Türkiye, the issue of news not adhering to media ethics remains a topic of discussion. In today's world, where headlines and photos are crafted to maximize click rates rather than focusing on the quality of the news, there is a threat to news related to patients, physicians, and healthcare organizations, as approaches that prioritize quantity over substance have become dominant. For instance, it has been found that news published about individuals with mental health issues often contains stigmatizing elements (20). According to the findings of another study from the same field; it is stated that news published about individuals with mental illnesses includes “*Stigmatizing Statements*”, “*Statements Targeting Mental Health*”, “*Statements That Can Cause Negative Emotions*” and “*Statements Containing Misdiagnosis*” (21). The perception fueled by media can lead to questioning the trustworthiness of physicians and their knowledge (22). News that violates media ethics not only damages the reputation of a specific hospital or physician but also undermines the reputation of all members of the profession (23).

As far as we know, there hasn't been any study analyzing media ethics in malpractice news in Türkiye. However, according to the findings from studies conducted in different cultures, it has been determined that subjective news containing exaggerated and sensational expressions is presented to readers (14,15). This study aims to evaluate malpractice news from Turkish media in the context of media ethics.

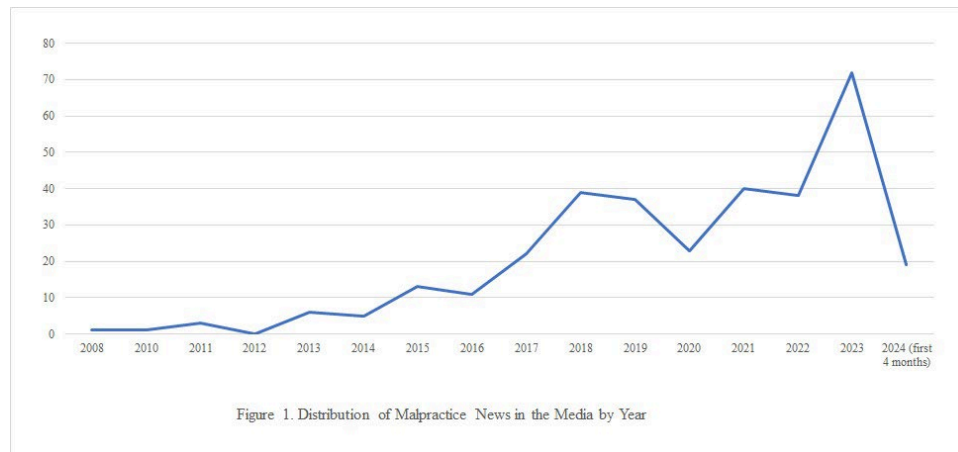
## METHODS

Muğla Sıtkı Koçman University Faculty of Medicine Special Study Module is an educational activity that takes place during the first three years of medical education and aims to help students develop their independent learning skills in the fields they are interested in, to learn and apply the basic principles of scientific methodology, and to develop their skills in presenting scientific studies in written and oral form. Students carry out educational activities in the form of literature compilation or research on the subject they choose, depending on the objectives of the module. These activities allow the student to work on topics such as literature review, critical reading of articles, research planning, data collection, analysis, and data presentation (24). In the 2023-2024 academic year, the “*Medicine, Media and Ethics?*” course was opened by the responsible author within the scope of Muğla Sıtkı Koçman University Faculty of Medicine Special Study Module. Four second-year students who voluntarily chose this course were first given a theoretical lesson, which increased their awareness of the subject. During the course, students expressed that they wanted to take part in educational activities of the “original research” type. Later, under the guidance of the responsible author, a research design was created together with the students. The data for the research was collected independently through online newspaper reports and YouTube channel, using keywords like “*medical error*”, “*physician and medical error*”, “*doctor and medical error*”, “*wrong diagnosis lawsuit*”, “*wrong surgery lawsuit*”, “*doctor negligence*” and “*physician negligence*”. The data collection phase was completed between December 20, 2023, and April 3, 2024. During this stage, a total of 330 news reports were included in

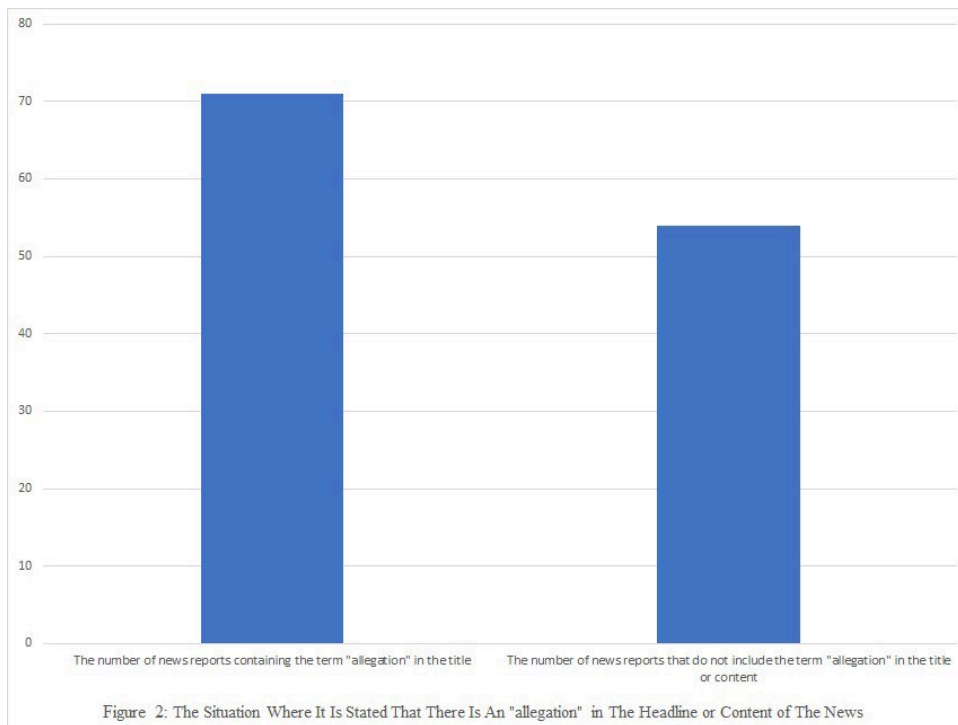
the research scope, consisting of 204 online newspaper reports and 126 news bulletins published on the YouTube channel. After the data was independently collected by the students, the responsible author worked one-on-one with each student to compare and verify the data they collected with the data gathered by herself. The analysis of the data looked at numerical distribution and utilized graphs for presentation. The writing process of the article was carried out by the responsible author. Ethics committee permission is not required since the research data were collected from a public database.

## RESULTS

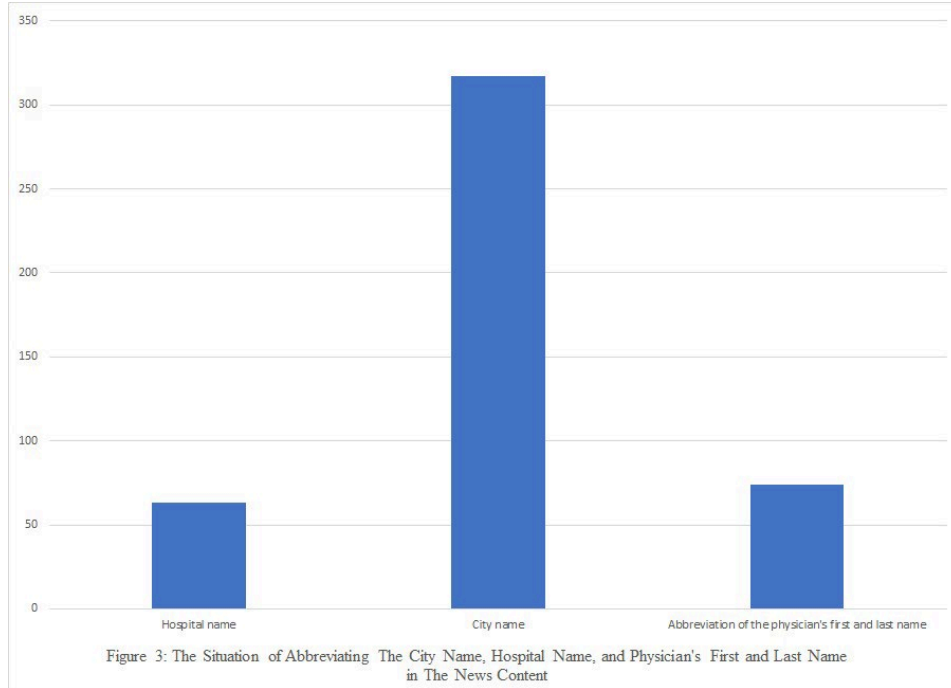
According to the findings of our research; while it was possible to access only one online news in 2008 and 2010, the number of news accessed reached 72 in 2023 (Figure 1).



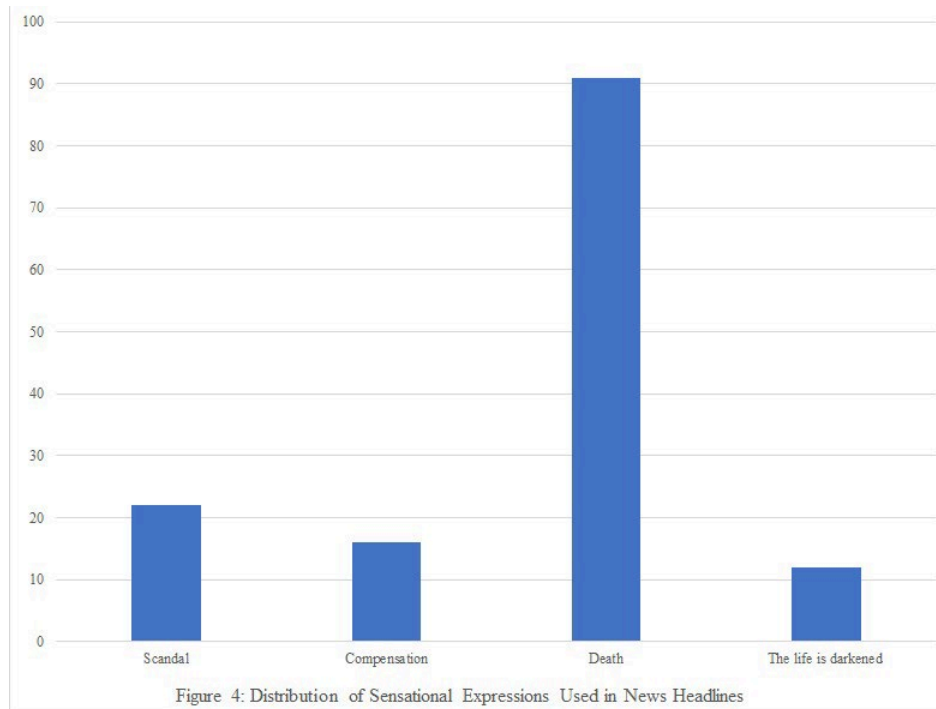
In 54 news reports, there is no mention of “*allegation*” either in the title or the content, while only 71 reports indicate “*allegation*” in the title (Figure 2).



Additionally, the name of the hospital was mentioned in 63 reports, the name of the city in 317 reports, and the abbreviation of the physician's name in 74 reports (Figure 3).



It has been determined that sensational expressions are used in some news headlines. In 22 headlines, the term “*scandal*” is mentioned, in 16 news “*compensation*” is brought up, and the concept of “*death*” is emphasized in 91 reports (Figure 4).



In some of the highlighted news stories, physicians are being accused of killing patients. Examples of sensational phrases used in the news are provided in Table 1.

Table 1. Sensational Statements Used in News Headlines

Sensational Statement	Example
<b>Scandal</b>	<ul style="list-style-type: none"><li>Misdiagnosis scandal!</li><li>Scandal at private hospital: They took her breasts saying "You're cancerous."</li><li>Scandal in surgery: They left a surgical tool inside a woman's belly during the operation.</li><li>Diagnosis scandal in hospital!</li><li>Caesarean scandal</li><li>Scandal! A mother's hospital drama: They said there was inflammation, it turned out to be cancer...</li><li>A scandalous incident occurred in Trabzon! A woman diagnosed with migraine died of a brain hemorrhage</li></ul>
<b>Compensation</b>	<ul style="list-style-type: none"><li>Compensation of up to 4 million lira for negligence that left a person blind</li><li>520 thousand lira compensation to the doctor for the wrong diagnosis allegation!</li><li>Record compensation for fatal error</li><li>Millions in compensation for doctors' incredible negligence!</li><li>Paralyzed from the Waist Down After Surgery: Hospital Issues False Information Fined 3 Million TL</li><li>2 million compensation for the wrong diagnosis</li><li>They forgot some property in the abdomen of the patient they operated on: They won 82 thousand lira in compensation</li></ul>
<b>Death</b>	<ul style="list-style-type: none"><li>Doctor negligence killed</li><li>Did the doctor's negligence kill?</li><li>Did a doctor's error kill the young man?</li><li>The cry of the grieving father, my daughter was killed by neglect</li><li>Neglect killed Nazlı</li></ul>
<b>The life was darkened</b>	<ul style="list-style-type: none"><li>The wrong Diagnosis darkened her life</li><li>Hip surgery was darkened his life!</li><li>The wrong diagnosis darkened her life, she dropped to 33 kilos and wants compensation for 6 years</li><li>The wrong diagnosis darkened her life! Her breasts were removed, and it turned out she wasn't cancerous</li><li>The wrong cancer diagnosis darkened his life! He went with stomach pain and was left 60 percent disabled</li><li>The wrong diagnosis darkened his life! He became unable to walk</li></ul>

## DISCUSSION

According to the overall findings of our research, it has been determined that news about malpractice in the media has rapidly increased over time, often featuring exaggerated, sensational, and accusatory headlines aimed at enticing readers to engage with the reports. Additionally, the content of these news pieces poses a risk to the privacy of physicians. In previously published studies, it has been found that malpractice allegations often contained exaggerated, incomplete, and erroneous information, with a focus on inflated compensation, and that the subject of the lawsuits was presented subjectively and unilaterally (14,15,25).

Online journalism started in Türkiye on December 2, 1995, and has since continued to develop rapidly (26). The first finding of our research is that the significance of malpractice news in the media has significantly increased in recent years. While there were only a limited number of reports available between 2008 and 2014, there has been a rapid increase in the number of news in the last 10 years. There could be a few reasons for this situation. It might be related to the increase in internet usage over the past 10 years. Another reason is that patient-physician news can be a good source for newspapers to get triage. In this context, further research on the mentioned possibilities is needed. One notable finding in our study is the decreasing trend in malpractice reports in 2020. The reason for this is the COVID-19 pandemic and the restrictions that came with it. In 2020, when the pandemic started, news related to the pandemic was appealing to the public. Additionally, during this period, non-emergency surgeries were postponed. All of these factors could be reasons for the decrease in malpractice reports that year.

One of the important concepts in media ethics is objectivity. To ensure objectivity, it is needed to verify the information, for the journalist to avoid presenting their own opinion, and to state that the event is an “*allegation*” (25). According to the findings of our research, while every event reported in the media is an “*allegation*”. It’s the lack of emphasis on the “*allegation*” in some news headlines or content. The final decision regarding malpractice allegations in the judicial process varies with each case. It is a lengthy process that starts in local courts, continues in the regional appellate court, and ends in the Court of Cassation, the Council of State, or the Constitutional Court. Failure to specify that the event, for which legal certainty has not been proven, is merely an “*allegation*” in the media can mislead the public with incorrect information and can put the institution or physician involved in the event under suspicion. The Declaration of Rights and Responsibilities of Journalists published by the Turkish Journalists Association, states, “*In news where physicians or hospitals are accused, their opinions must also be sought*”. However, news is generally presented to the public based solely on the statements of patients and their relatives. Our research finding is in line with other studies that indicate the media often reports the patient-physician relationship mostly in a negative manner and focuses solely on the patient's viewpoint (15,27,28). Focusing solely on the statements of patients or their relatives can diminish trust in the patient-physician relationship and lead to negative feelings, thoughts, and behaviors toward physicians (28,29). When sensational news creates a negative perception in the patient-physician relationship, it may be more likely for affected individuals to respond negatively to physicians (13). In this case, it could mean an increase in conflicts in the patient-physician relationship and a rise in malpractice allegations in the future.

In the context of media ethics, protecting an individual’s privacy is one of the fundamental ethical values. In cases where publishing a person’s name could pose a problem, it is important not to provide information that would allow the individual to be identified. According to our research data, it’s common for news to include which city and which hospital the incident took place in, as well as to use the physician's name in an abbreviated form. Such news can be problematic, especially in small cities, as it easily allows for the physician to be identified and stigmatized. Allegations of malpractice and the lengthy judicial evaluation process present challenges for physicians. It has been previously established that investigations/lawsuits against physicians due to malpractice allegations lead to physical and mental health issues, result in defensive medical practices, cause physicians to experience burnout, and increase the risk of quitting the profession, thereby threatening patient safety (30,31). Physicians who are marked by incidents at the accusation stage may face such difficulties in their personal and professional lives, which can lead to violations of physicians’ rights and pose a threat to patient safety. In Türkiye, given that some healthcare institutions are unable to employ physicians and that the migration of physicians is increasing, approaches that violate physicians’ rights could hinder the effective continuation of healthcare services in the future.

Despite the emphasis in both international and national declarations on the journalist’s fundamental obligation to share accurate information with the public without exaggeration and to keep commentary and criticism separate, sensationalism remains another issue within media ethics. Journalists use sensational and exaggerated expressions to grab readers’ attention (32-34). These kinds of strategies aim to make news that contains negativity more interesting and memorable than positive or neutral news, and for that reason, attract more people to the news (35). Bachleda et al. (2020) suggest that individuals who hold negative views about a particular topic are more likely to seek out negative information (36). This situation might mean that people in the same group of illnesses or those who will undergo the same medical intervention tend to read more malpractice news. Overemphasis on the tension between patients and physicians, and exaggeration of mistakes, is increasing patients’ hostility towards physicians. Without in-depth analysis, overly negative news can lead to resilient feelings that could negatively impact public perception of the patient-physician relationship (13). One of our research findings is that some news reports accuse physicians of directly committing the act of “*killing*”. While one of the fundamental goals of medicine is to prevent unexpected deaths, we believe that labeling physicians, who have been an authority in the human quest for healing throughout the history of medicine, as “*killers*” represents a blow to the trust relationship between patients and physicians (37).

One of the reasons for the increase in malpractice allegations may be related to the compensation rates determined by the courts (6). Our research findings highlight that news headlines emphasize compensation amounts and feature phrases that make compensation rates appealing. In countries where economic stability cannot be ensured, making compensation attractive could increase baseless allegations in the future. On the other hand, each legal case comes with certain costs. According to a study analyzing the prevalence, characteristics, outcomes, and costs of malpractice allegations, including attorneys, experts, and court expenses, it has been determined that the costs of malpractice lawsuits are high (38). There hasn't been any study examining the cost analysis of malpractice allegations in Türkiye. In Türkiye, where economic stability hasn't been achieved, the prevalence of baseless malpractice allegations inevitably adds an extra burden to the economy.

## CONCLUSION

Media can certainly contribute to the positive development of the patient-physician relationship. Reports created following the principles of honesty, neutrality, and objectivity can be an important tool not only in improving the patient-physician relationship and reducing the perception of distrust but also in establishing trust in the media. For example, according to a study evaluating the impact of fear and anxiety due to media usage on the patient-physician trust relationship; it has been determined that compared to before the pandemic, after the pandemic, the media's positive approach has resulted in physicians having a better image (28). A more positive patient-physician relationship can lead to higher satisfaction rates for both sides, reduce conflicts, and help effectively carry out the healthcare process. However, there are significant issues regarding media ethics in the reporting of malpractice news in the Turkish media. Especially the language used in headlines is often provocative and undermines trust in a profession that has been respected for centuries. Therefore, journalists and media organizations are responsible for adopting a professional approach to reporting malpractice news and minimizing its negative impact on society (13). The negative impact of media on public perception can promote a culture of litigation and lead to issues beyond just the increase in the number of lawsuits. Public perception fueled by such news can create problems not only in the selection of medical schools but also in specialization. These issues are significant because they can disrupt the provision of healthcare services in Türkiye, where problems related to physician migration are prevalent and some regions cannot employ specialists in certain fields. Lawmakers and professional organizations should take into account the media's role in the presentation of malpractice news and should intervene accordingly. In situations where there are no sanctions, the rise in news that fuels the media's perception of the future is inevitable. The data obtained in this study is limited to news that is accessible on the internet and focuses solely on the media's approach to presenting malpractice news. Further research is needed on how the media affects the trust relationship between patients and physicians, the extent to which media news impacts society, and whether it increases malpractice allegations.

**Conflict of Interest Statement:** In our study, there is no financial conflict of interest with any institution, organization, person and there is no conflict of interest between the authors.

**Ethics Committee Approval:** Ethics committee permission is not required since the research data were collected from a public database.

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