

調査と情報—ISSUE BRIEF—

No. 1173 (2022. 2.21)

医療事故訴訟の状況

—医療安全に向けた取組と課題—

ADR

ADR

- 1999
 -
 -
- 2006 2007

はじめに

1999 11

1

I 医療事故に対処するための制度の整備に関する経緯

1 医療事故訴訟の経緯

1999 11 2000
2 2004 16 12
9
2 2006 18 2
3 4
2008 20 8
5 1999 11 7
3 2001 13 3
7 6

* 2021 3 12 28
3 12 1 113 1 154.81
1 2014.6.10.
2 23 131 248
3 2006.2.19.
4 2006.3.11.
5 2008.8.21.
6 2008.11.21; 2 2009.3.28.

表 1999 年から 2000 年代前半にかけて発生した主な医療事故

1	1999 1			19 3 26	25
2	1999 2			16 4 13	1 3 2
3	1999 7			20 20 11	
4	2000 2			7 16 7	10 3
5	2000 4			15 3 31	50
6	2000 9	1		17 11 15	1 3
7	2001 3			27 21 3	
8	2002 11			5 19 6	1 6 4
9	2004 12			20 20 8	

2, 2007; 2
jurist 50(1), 2014.3

2 医療安全の取組及び制度の整備

2001 13 5
2002 14 4 7
8
10 2003 15 4 9

7 2002.4.17.

<<https://www.mhlw.go.jp/topics/2001/0110/tp1030-1y.html>>

8 52(1), 2016.1, pp.11-15.

9

10 11 12 2005

17 6

13 2006 18 6 18

84 2007 19

14 23 205

2001 13 10 2004 16 10

15 2008

20 6 16

17

2012 24 2

2013 25 5 18

26 83 2014 26

0000137801.html> <<https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/>

10 2 16 2 16

11 3

12 16 12

— 2007.3, p.3. <<https://www.mhlw.go.jp/topics/bukyoku/isei/i-anzen/houkoku/dl/070330-2.pdf>>

13 2005.6.8. <<https://www.mhlw.go.jp/topics/bukyoku/isei/i-anzen/3/kongo/02.html>>

14 <<https://www.anzen-shien.jp/aboutus/>>

15 2020.7. <<https://www.med-safe.jp/pdf/BusinessSummary.pdf>>

16 2008.6. <<https://www.mhlw.go.jp/stf/shingi/2r98520000022qp8-att/2r98520000022qu5.pdf>>

17 21 2008.6.16. <<https://www.yakuji.co.jp/entry7109.html>>; 2010.8.25.

18 2013.5.29. <<https://www.mhlw.go.jp/stf/shingi/2r985200000339xk-att/2r98520000033a1k.pdf>>

Ⅱ 医療事故訴訟の状況

1 民事医療訴訟

(1) 民事医療訴訟の現状

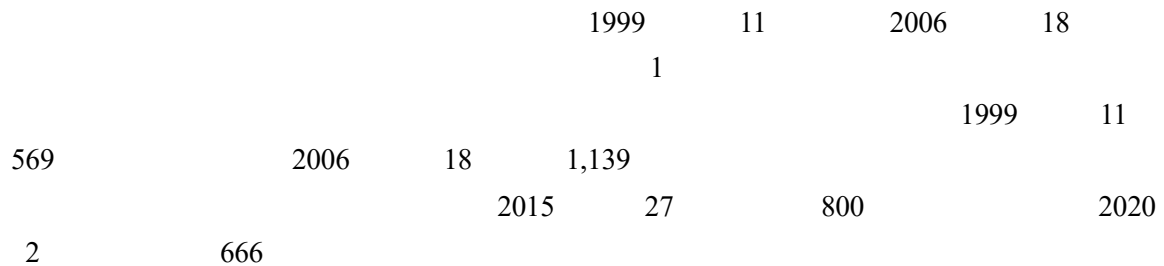
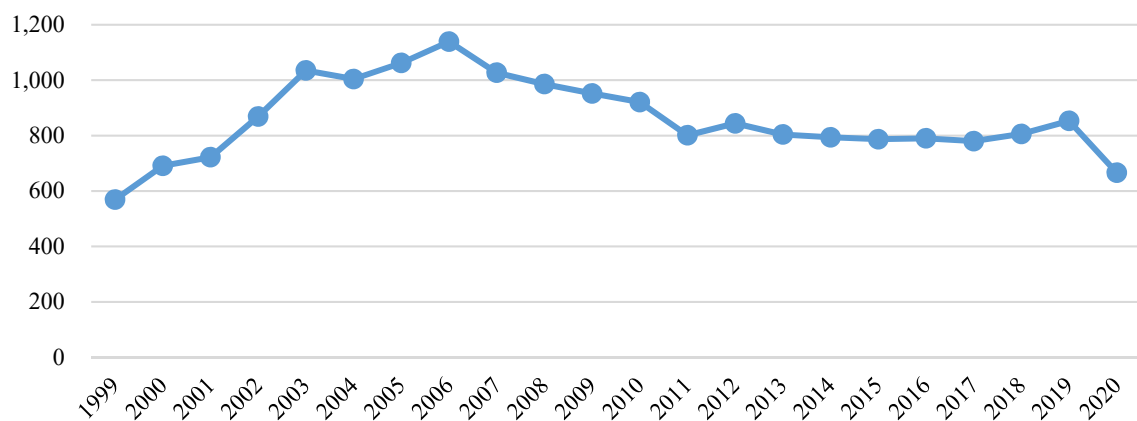


図1 医療関係訴訟（民事）件数



<<https://www.courts.go.jp/saikosai/vc-files/saikosai/2021/2>

10630-1heikinsinri.pdf>

(2) 民事医療訴訟の迅速化

20

21

19

20

21

ADR
<[/dl-med/doctor/member/kiso/g03.pdf](https://dl-med/doctor/member/kiso/g03.pdf)>

50(1), 2020.1, p.68.

<<https://www.shirahama-lo.jp/>

2018.8.31.

<<https://www.med.or.jp>

1999 11

22 1998 10

23

24 1999 11

12 25

2000 12 4 4

14 30 34 35 2001

13 4 4 26 27

6 2007 19 6

28 6 2013 25 4

29

2 刑事医療訴訟

30 1999

11 41 2004 16 255 5 6

2 1999 11 20

2004 16 199 5 10 1999

11

8 23 201 21 31

32 33

22

23

24 ADR

25 36(1), 2016.1, p.93.

26 1018 , 2000.3.1,

27 pp.32-58.

28 1072 , 2001.12.15,

29 pp.23-38. 2

30 1237 , 2007.6.15, pp.67-93.

31 1389 , 2013.8, pp.5-36.

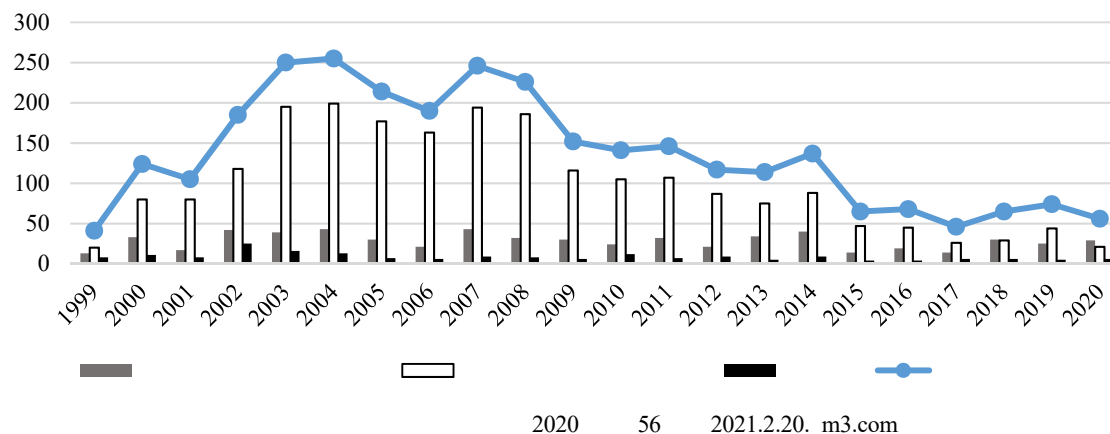
32 [2000.8].

33 <https://www.mhlw.go.jp/www1/topics/sisin/tp1102-1_12.html>
3 , 2012, p23.

2006 18 2007 19 2007 2020

2 5 1 56

図2 警察への医療事故関係届出等件数の推移



1999 11 10 3 2000

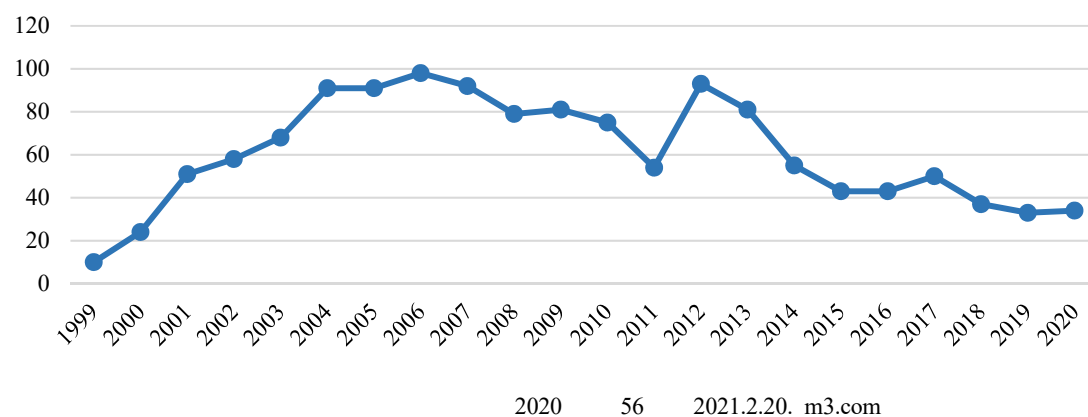
2006 18 98 7 10 34

2011 23 2012 24

2020 2 9 35

2008 20 1

図3 年別立件送致件数の推移



34
35

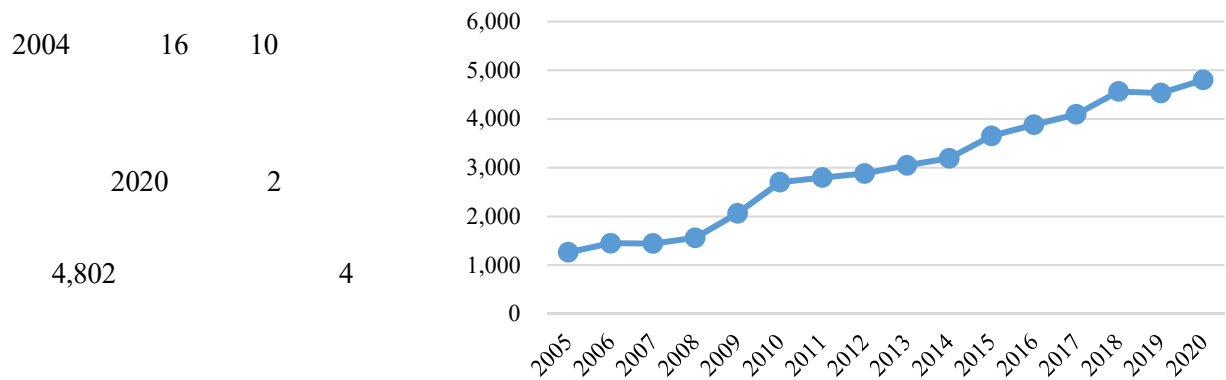
2020.9.12. m3.com

2008.8.22.
2008.8.30;

Ⅲ 医療事故に対処するための諸制度の現状

1 医療事故情報収集等事業

図4 医療事故情報報告件数の推移



<<https://www.med-safe.jp/contents/yearreport/index.html>>

36

37

2 医療安全支援センターの設置

6 9

6 13

38

39

47

71

2020

2

4

40

275

36

<<https://medicalnote.jp/contents/150831-000004-ARTXBE>>

37

p.4. <https://www.med-safe.jp/pdf/year_report_2020.pdf>

38

19 3 30 0330036 p.4. <<https://www.mhlw.go.jp/topics/bukyoku/isei/i-anzen/hourei/dl/070330-2.pdf>>

39

40

1 3

2015.9.13. Medical Note

— — 2020 2021.6.28,

<<https://www.mhlw.go.jp/topics/bukyoku/isei/i-anzen/hourei/dl/070330-2.pdf>>

<<https://www.anzen-shien.jp/aboutus/>>

1
3

2

2

2020.9.23.

3 医療 ADR

ADR

Alternative Dispute Resolution: ADR

2004 16 12

16 151

ADR

1

42

ADR

26

222

43

ADR

図5 医療 ADR の受理件数及び解決件数

2006 18 6

ADR

44

2007 19 9

ADR

ADR

45

ADR 2008 20

6

ADR

ADR

12

2021

3 4

ADR

46

ADR

41

[content/themes/anzen-shien/legacy/docs/system.pdf](https://www.anzen-shien.jp/wp-content/themes/anzen-shien/legacy/docs/system.pdf)

42

43

(24), pp.95-96

44

ADR

ADR

2006.

6.

https://www.toben.or.jp/know/iinkai/iryuu/pdf/arikata_teigensyo.pdf

45

ADR

—

—

72(4), 2021.4, p.17.

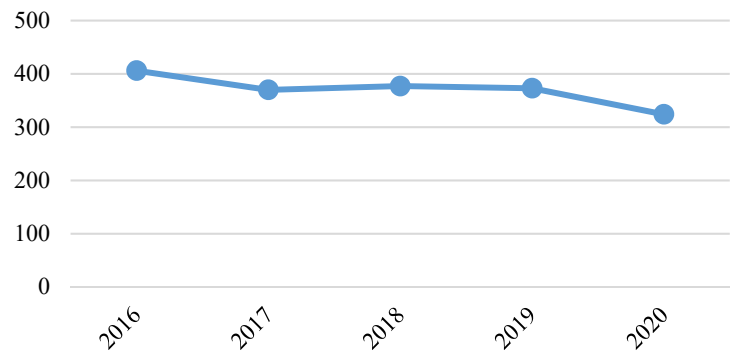
46

2020 2 2011 23 138 40 5
169 70

4 医療事故調査制度

2015 27 10

図6 医療事故発生報告件数



ADR

ADR <https://www.nichibenren.or.jp/document/statistics/adr_statistical_yearbook.html>

2016 28 406 2020 2
324 6
1,300 2,000 47
48

49

50

5 無過失補償制度

51 6 1976 51 69

47
48
49
p.39.
50

105(12), 2016.12, p.2376.
2020.11.25.
— — 71(4), 2018.4,
2020.10.25.

ADR
 ADR CRP
⁶¹ ADR
 Communication and Resolution Programs ⁶²
⁶³
 2005 ⁶⁴

Patient Safety Organizations

⁶⁵

2 英国

1948 NHS National Health
 Service ⁶⁶
⁶⁷ NHS
 2006 NHS ⁶⁸ ⁶⁹
 2 ⁷⁰
 2017 4 1 NHS Resolution ⁷¹
 Clinical Negligence Scheme for Trusts: CNST ⁷² NHS

⁶⁰ *ibid.*

⁶¹ CRP ⁶⁰, 2020.6, pp.32-33.

⁶² CRP

⁶³

⁶⁴ Patient Safety and Quality Improvement Act 2005, P.L.109-41. <<https://www.congress.gov/109/plaws/publ41/PLAW-109publ41.pdf>>

⁶⁵ (56), p.45.

⁶⁶ 2020 2021, p.21. <<https://www.mhlw.go.jp/wp/hakusyo/kaigai/21/dl/t1-08.pdf>>

⁶⁷

1, 2016.4, p.103.

⁶⁸ NHS Redress Act 2006 c.44. <<https://www.legislation.gov.uk/ukpga/2006/44/contents>>

⁶⁹ 2006 NHS NHS Redress Act 2006, Section 19(5)

⁷⁰ Jonathan Herring, *Medical Law and Ethics*, 8th edition, Oxford: Oxford University Press, 2020, p.142.

⁷¹ NHS Resolution NHS

NHSLA NHS Litigation Authority 2017 4 1

“NHS Litigation Authority rebranded NHS Resolution ahead of upcoming reform,” 2017.3.23. National Health Executive website <<https://www.nationalhealthexecutive.com/News/nhs-litigation-authority-rebranded-nhs-resolution-ahead-of-upcoming-reform>>

⁷² 1995 4 1 Clinical Negligence claims

CNST 1995 4 1 Clinical Negligence claims ELS Existing Liabilities
 Scheme clinical negligence 8 NHS Resolution, *Annual report and accounts 2020/2021*, 2021, p.14. <<https://resolution.nhs.uk/wp-content/uploads/2021/07/Annual-report-and-accounts-2>>

	⁷³		Clinical claims	⁷⁴	2011	9,143	
	2020	12,629	10	38%		⁷⁵ CNST	
					NHS	2020	1
			43				
NHS Resolution							⁷⁶
			NHS				
NHS					Patient Advice and Liaison Service: PALS		
			⁷⁷				
					Parliamentary and Health Service Ombudsman		
			⁷⁸				
NHS	2012	6					National
Patient Safety Agency: NPSA							⁷⁹
	2016			HSIB	Healthcare Safety Investigation Branch		
	⁸⁰ 2017			⁸¹ HSIB			
						⁸² HSIB	
			NHS		NHS		
			HSSIB	Health Service Safety Investigations Body			2021
2			Health and Care Bill	⁸³			
			GMC	General Medical Council	⁸⁴ GMC		

020-2021-WEB-1.pdf>

⁷³ Jill Long, “Claims Management Policy and Procedure Version: 3,” 2021.10, p.8. Southern Health NHS Foundation Trust website <http://intranet.southernhealth.nhs.uk/_resources/assets/inline/full/0/41192.pdf>

⁷⁴ Clinical claims

Non-clinical claims

⁷⁵ NHS Resolution, *op.cit.*(72), p.40.

⁷⁶ “NHS faces huge clinical negligence legal fees bill,” 2020.1.21. BBC NEWS website <<https://www.bbc.com/news/health-51180944>>

⁷⁷ PALS “What is PALS (Patient Advice and Liaison Service).” NHS website <<https://www.hsib.org.uk/who-we-are/who-we-are/>>; “Contact the Patient Advice and Liaison Service (PALS).” NHS Wales website <<https://bcuhb.nhs.wales/services/health-services1/patient-and-carer-experience-team/patient-safety-and-experience/contact-the-patient-advice-and-liaison-service-pals/>>

⁷⁸ Angus Crawford, “NHS complaints guidance,” 2021.1.1. GOV.UK website <<https://www.gov.uk/government/publications/the-nhs-constitution-for-england/how-do-i-give-feedback-or-make-a-complaint-about-an-nhs-service>>

⁷⁹ “Transfer of Patient Safety function to the NHS Commissioning Board Special Health Authority,” 2012.5.31. National Patient Safety Agency website UK Government Web Archive <<https://webarchive.nationalarchives.gov.uk/ukgwa/20130502100459/http://www.npsa.nhs.uk/corporate/news/transfer-of-patient-safety-function/>>

⁸⁰ 32, 2017.8, p.119.

⁸¹ “About HSIB.” HSIB website <<https://www.hsib.org.uk/who-we-are/who-we-are/>>

⁸² “Our purpose and values.” *ibid.* <<https://www.hsib.org.uk/who-we-are/our-purpose-and-values/>>

⁸³ “HSIB’s journey to full statutory independence.” *ibid.* <<https://www.hsib.org.uk/press-office/press-releases/hssib-bill/>>

⁸⁴ “What we do and why.” GMC website <<https://www.gmc-uk.org/about/what-we-do-and-why>> GMC “Who we work with.” *idem* <<https://www.gmc-uk.org/about/how-we-work/who-we-work-with/>>

GMC MPTS Medical Practitioners
Tribunal Service MPTS

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おわりに

1999 11

2015 27 10

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⁸⁵ “Investigating and acting on concerns about doctors.” *ibid.* <<https://www.gmc-uk.org/about/what-we-do-and-why/investigating-and-acting-on-concerns-about-doctors>>
⁸⁶ “Our sanctions.” *ibid.* <<https://www.gmc-uk.org/concerns/information-for-doctors-under-investigation/our-sanctions>>
⁸⁷ 2020.12.24, .
⁸⁸ 30 2021.12.26.