Reviewer's report

Title: Health and life insurance as an alternative to malpractice tort law

Version: 3 Date: 11 May 2010

Reviewer: Roy G Beran

Reviewer's report:

This is a well-written paper, which should be considered suitable for publication. I offer this not as an endorsement for the suggested changes, contained within the paper, but rather as an acknowledgement that the author has adopted a novel and potentially applicable response to rising problems regarding tort law application to medical practice.

The paper raises serious concerns about increased intrusion into the delivery of medical care by insurers and hence a new and forceful application of "managed care", which takes the final decision of what is to be done for the patient away from the medical profession and places it squarely into the arms of actuaries and a non-medical trained industry thereby totally excluding that which is the 'art of medicine'. It suggests that all medicine can be reduced to an algorithm and further suggests that this is more applicable to difficult cases, than simple cases, but does little to justify this hypothesis. It appears to be based on an absolute acceptance of evidence-based medicine which, while representing the popularist approach, has significant numbers of detractors when it comes to difficult cases, which require both evidence-based medicine and experiential medicine to come together to result in what is euphemistically called the "art of medicine", as alluded to above.

The syntax does reveal some grammatical errors, such as the frequent use of commas before the word "and" or "or", which is an editorial concern rather than a content concern.

I endorse acceptance of this paper without the need for substantive revision.

I do believe that the paper is sufficiently provocative to be considered as an issue requiring editorial review within the same issue of the journal to highlight the need for further discussion and debate.

Quality of written English: Needs some language corrections before being published