Reviewer's report

Title: Doctor as Criminal: Reporting of Patient Deaths to the Police and Criminal Prosecution of Healthcare Providers in Japan

Version: 1 Date: 5 November 2009

Reviewer: Michael Green

Reviewer's report:

Interesting report on the use of criminal prosecutions (as opposed to civil litigation) as the legal avenue for dealing with deaths due to medical error. This article will be of interest to researchers and policy makers with an interest in medical error, medical malpractice and patient safety.

Major Compulsory Revisions.

The authors need to address the shape of the curves presented and the justification for pursuing a linear regression model over all years despite the graphic evidence that this curve is not linear over the full period. Both figures clearly show a rapid increase in reports and prosecutions between 200-2004, then a levelling off to a new steady state after this period. They should reassess their analytic approach with this in mind and report the changes accordingly. It would also be helpful to report directly on the propensity for prosecution over time (ie. #reports/#prosecutions). It would be very helpful and informative for the discussion to know if the increased numbers of prosecutions were simply a function of increased reporting or if the political climate described led to increased rates of prosecution of reported cases.

Discretionary Revisions: It might be usefully to have a bit better understanding of other major events or reporting in or around 2004, where the increase in reporting seems to level off. It would also be helpful to report on what was happening in other countries over the same time period either the background or discussion sections. This would allow readers to see if trends in Japan paralleled trends elsewhere.

Recommendation: Major revisions should be made prior to making a decision on acceptance. I would encourage the authors to do so as I think the paper will make a valuable contribution once revised.

Level of interest: An article whose findings are important to those with closely related research interests

Quality of written English: Acceptable

Statistical review: No, the manuscript does not need to be seen by a statistician.
Declaration of competing interests:

I declare that I have no competing interests.