



Patients Rights

Important facts about medical negligence

No. 3 in a series provided by the attorneys at RudichLaw



Nobody's Perfect

Everybody makes mistakes, even doctors, hospitals and other businesses and institutions that provide medical care. But when a mistake is made on a patient, the stakes are much higher. That's why there are so many laws and professional standards. Medical Malpractice is defined as "Professional negligence by act or omission by a healthcare provider in which treatment provided falls below the accepted standard of practice in the medical community and cause injury or death to the patient." The most common Medical Malpractice cases are;

- **Misdiagnosis**
- **Surgical Error**
- **Anesthesia Error**
- **Childbirth Injuries**



How do you know if you are a victim of Medical Malpractice?

It's different in every case, but if you've been treated by a doctor and something has gone wrong in your treatment and a serious medical problem developed, there is a good chance that medical negligence took place. It's not always that clear, but if you have the slightest suspicion, you should call an experienced Medical Malpractice lawyer to see if you have a valid complaint.

What determines the validity of a Medical Malpractice case?

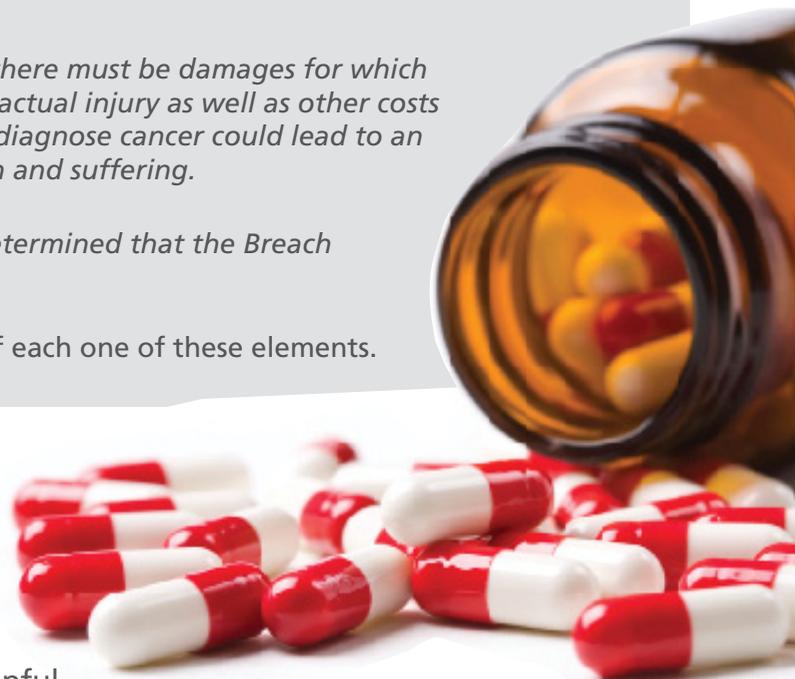
There are four elements that together determine the legal validity of a Medical Malpractice case. Only an experienced Medical Malpractice lawyer working with a medical doctor can validate these elements in a given case.

- 1. **Duty** In order for a healthcare provider to be held liable for your injury, a Duty must be established. Visiting that facility and being treated by that caregiver would establish a Duty.*
- 2. **Breach of Duty** This means that the healthcare provider did not treat you according to the accepted medical standard of care.*
- 3. **Patient Injury/Damages** To bring a claim or lawsuit, there must be damages for which to seek compensation. Those damages can include the actual injury as well as other costs associated with that injury. For instance, the failure to diagnose cancer could lead to an inability to earn an income, medical bills as well as pain and suffering.*
- 4. **Causation** For you to get a settlement, it must be determined that the Breach of Duty was a direct cause of the damages.*

Expert testimony is required to validate the existence of each one of these elements.

What to do if you think your healthcare provider caused you injury?

First things first. Get treated by another doctor, (someone you trust.) That doctor might be an important witness for you when you pursue your Medical Malpractice case. Contact an experienced Medical Malpractice lawyer as soon as possible. It's helpful to prepare some notes before you call, detailing what happened and when it happened.



Your lawyer will want to know everything that happened, from your first visit with your doctor to your last. In general, Medical Malpractice actions have a two- year Statute of Limitation, meaning you have two years from the date of the negligence to file suit. A different Statute of Limitations applies to claims involving minors, and claims not discovered within the first two years. within two years from the date you were aware of your injury.

Do you sue the doctor or the hospital?

In almost all cases, a medical professional holds primary liability for Breach of Duty. But sometimes a Vicarious Liability claim can be filed against the hospital. Hospitals are expected to enforce the same professional standards that healthcare professionals are expected to observe. If they knowingly allow a doctor, nurse or other professional to provide substandard care, they share liability. In the case of emergency care, you do not even choose a doctor. You're relying entirely on the hospital for your care. The hospital is liable if the Breach of Duty involved support services such as radiology, pathology or anesthesiology.

It is your right and possibly your duty to sue

If you were injured because of a medical professional's negligence, you have the right to pursue compensation for financial damages. If you and your family have suffered actual monetary loss, you owe it to yourself and your family to recover your losses.



This information was provided by Rudich Law

If you have been injured because of someone else's negligence, call Roger Rudich now, at 866-457-8892. He can help you get the compensation you deserve. He has extensive experience and expertise in Personal Injury cases, knows how to prepare a case and win.

You pay no fee unless you collect.

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