

Medical Malpractice



Common types of negligence are:

- delay in diagnosis or treatment
- ignoring a laboratory or x-ray result
- improperly performed surgery
- not correcting postoperative problems
- allowing pressure sores, falls or IV infections

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Medical malpractice and medical negligence mean the same thing: careless or improper health care. Modern American medicine is very good, but bad outcomes do occur – sometimes due to the disease or chance, other times from a provider's carelessness. If someone's carelessness harms you, you should be compensated for your damages (the harm done due to negligence). Since medical malpractice attorneys spend thousands of their own dollars to prosecute a case and get no fee if there is no recovery, they are selective at the front end. The damages should be something you can show to a jury (a missing body part, an abnormal X-ray or lab test), not just pain.

A provider's rudeness, being unhappy with a result, or having a bad result by itself is not negligence. Cases start with the medical records. Your medical records belong to you; a provider can charge for copying, but must turn them over even if you owe medical bills.

In Florida, you typically have just two years from the date of the event to file a claim. If someone dies from medical malpractice, only a surviving spouse or dependent child can file a claim for suffering. Adult children can file only for funeral expenses and net accumulations.

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