

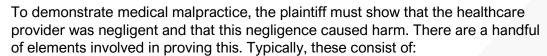
## **What Is Medical Malpractice?**

## Thursday, November 24, 2022.

Medical malpractice is when a doctor, hospital, or other health care provider does not provide the appropriate care and the patient suffers as a result. To prove medical malpractice, there are four key elements:

- 1. Existence of a doctor-patient relationship
- 2. Provision of medical care that is below the accepted standard of care.
- 3. Medical professional's negligence
- 4. Patient suffered damages

## **How Can I Prove Medical Malpractice?**





**Duty of care** — The health professional had to be negligent, which means they didn't meet the appropriate standard when it came to their client's care.

**Breach of duty** — The healthcare provider violated their duty to the patient.

**Causation** — The injury had to have been done "directly" by the violation of duty.

**Damages** — There must be some degree of economic or non-economic damages as a result of the "harm." For example, there may have been additional medical bills or emotional suffering endured as a result.

## What Can you collect damages for?

- Medical costs
- Property damage
- Pain, both physical and emotional.
- Funeral expenses

If medical malpractice is particularly egregious and warrants it, a court may assign punitive damages.

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