

What Is Medical Malpractice?

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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?

To demonstrate medical malpractice, the plaintiff must show that the healthcare provider was negligent and that this negligence caused harm. There are a handful of elements involved in proving this. Typically, these consist of:



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.