

Medical Malpractice: Can I File a Lawsuit Years later in Pennsylvania?

Pennsylvania limits the time frame for when a medical malpractice lawsuit can be filed. The severity of the injury can affect whether you can file a case.

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Time Limits – (Statute of Limitations)

According to highly respected Pennsylvania [personal injury lawyers](#), the statute of limitations regarding a [medical malpractice case](#) filing time is limited. The limits can be affected by the type of case and its severity. So, when do you lose the right to sue for your injury? When does the clock start ticking? It depends.

An injured plaintiff, usually the victim, loses the right to sue if too much time passes after the injury occurred or when they knew or learned of the injury. Exactly how much time passes can be dependent on the circumstances.

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Winning a large reward that will help a victim of medical malpractice live a better life is a reward in itself.”

Jim Haggarty, Partner

The plaintiff, in Pennsylvania normally has to file a [medical malpractice lawsuit](#) or claim in court within two years from when the injury occurred.

The clock starts ticking when the injury occurred or was learned about. From then they have two years before they

lose their right to a claim. Each state has its own set of time limitations.



Who, what and when are questions that need to be explored. Did the victim know that he or she was injured at the time of the malpractice? Did the victim learn months or years later that they were hurt? Did the injured party die? Depending on the answers to these questions is when the time expires for starting or filing a case.

In Pennsylvania, the filing time for the claim expires two years after the date the plaintiff knows or reasonably should know all of the following

- that an injury has occurred
- the conduct (what went wrong) that caused the injury, and
- a connection or relationship between the injury and the conduct that caused that injury.

Regardless of those three factors, a medical malpractice claim may be brought (filed) within as many as seven years from the date the injury occurred, unless it involves a foreign object left inside the body.

If medical malpractice results in wrongful death, a case must be filed in court within two years of the date of death.

If a child is injured by medical negligence, that person has seven years from their 20th birthday to alert the courts by filing the case. For example, a child injured at age 1 may have up to 26 years after the injury occurred no matter what the actual date of injury actually occurred.

Confused

In other jurisdictions like New Jersey or New York which border Pennsylvania the requirements and limitations may be different a personal injury attorney can help you navigate the law from state to state.

Special rules known as “discovery” exceptions exist for when a victim did not know (or could be expected to know) about the injury or just learned of that injury. These special exceptions can keep the clock running for years.

Malpractice laws, statute of limitations, discovery exceptions are not to be trifled with as they can be daunting. As soon as you learn that you were harmed by a medical error or the victim of medical negligence contact a personal injury lawyer and ask for a free evaluation of your case.

If you or a loved one were injured by a medical professional contact our experienced and winning law firm at 267-350-6600 or visit our website www.hgsklawyers.com

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This information was supplied by the Law Firm of Haggerty, Goldberg, Schleifer, & Kupersmith,

P.C. with offices throughout Pennsylvania.

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Jim Haggerty

The law firm of Haggerty, Goldberg, Schleifer & Kupersmith

+1 267-350-6600

[email us here](#)

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