

Whom Can I Sue For Medical Malpractice?

When filing a medical malpractice claim, doctors are most commonly sued. However, pharmacists, nurses, and those that employ them can also be liable.

PHILADELPHIA, PENNSYLVANIA, UNITED STATES, September 30, 2020 /EINPresswire.com/ -- If you visited a doctor and were harmed by the line of treatment, you can sue the doctor for medical negligence or malpractice. While doctors are the most commonly sued for medical malpractice, a lawsuit can also be filed against pharmacists, nurses, or other health specialists including the organizations that employ them.

The law permits you to [sue for medical malpractice](#) if your well being was in

the hands of a medical professional but you were injured due to their negligence. While you may be understandably distressed and disappointed to file the case against the guilty party, you must also be aware of the general rules while suing for medical malpractice.

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If your medical provider fails to act where others with comparable training would have, the provider may be liable for the resulting injuries and losses associated with it.”

James C. Haggerty

Common Types of Medical Malpractice

You may have heard of various incidences of medical negligence such as a doctor leaving an operating instrument or a sponge inside the patient's body during an operation. It could also be in the form of failure to inform the patient about the side effects associated with a prescription drug. Most medical malpractice suits fall within these two categories:

Failure to diagnose or prescribing improper treatment
If your doctor incorrectly diagnosed your illness and

provided unsuitable treatment, you may sue your doctor for medical malpractice or negligence.



You must, however, be able to prove the same in court.

Failure to warn about the risks involved

All doctors are responsible for warning patients of associated risks of medical procedures and/or prescription drugs. The doctor cannot force patients that choose not to be treated to undergo any risky procedure or consume risky medications. You may sue your doctor for medical negligence if the doctor fails to warn you of any known risks associated with the procedure or prescribed drug.

Special Requirements in Medical Malpractice Cases

Statute of limitations

Cases related to medical malpractice or negligence must be brought immediately after the patient discovers the problem. In Pennsylvania, the patient must file a claim within two years of the date in which the malpractice was discovered.

Medical malpractice review panels

You may be required to submit your claim to a malpractice panel for review. After hearing the arguments, the panel of experts would determine whether negligence or malpractice occurred. However, the panel cannot award penalties.

Expert testimony

A qualified expert often strengthens your case and is often a crucial aspect when [suing a doctor for malpractice](#) or negligence. Except in some cases, an expert affidavit or testimony is required during these proceedings.

Limits on damage awards

The state of Pennsylvania does not currently have a cap on medical malpractice damages, so an injured patient is free to recover all financial losses including compensation, pain and suffering, and any other losses caused by the malpractice or negligence. However, Pennsylvania does cap punitive damages, but these are rarely awarded in these types of cases.

Basic Requirements for a Claim

You must be able to prove the doctor-patient relationship while suing your doctor for medical negligence or malpractice. Additionally, you must meet the following requirements to prove that medical malpractice occurred:

Negligence of doctor

You can't sue your doctor if you are unhappy with the treatment or results. In order to sue for malpractice, you must be able to prove your doctor's negligence in diagnosing the disease or the treatment prescribed. You may be required to prove that the treatment caused you damage or harm. The care or treatment may not be the best, but it must be reasonably acceptable, careful, and skillful.

The majority of the states, including Pennsylvania, require the patient to present a medical expert who can discuss the suitable standard of care by medical representatives. The expert must also be able to prove the defendant's negligence and deviation from such standard.

Proving the doctor's negligence caused the injury

While it is important to prove that the doctor's negligence caused the patient injury or harm, it is also very difficult to prove. For instance, a patient dies after being treated for a stroke. In such a case, it might get difficult to prove that the patient died of the doctor's negligence, not of the stroke.

Specific damages

You can't sue your doctor if you didn't suffer any damage or harm. However, you may sue your medical provider for the following types of harm:

- Additional medical bills
- Mental distress
- Physical ache
- Lost work and/or earning capacity

Medical malpractice is a very common problem and suing for medical malpractice may be stressful and overwhelming. Contact one of our expert lawyers at (267) 350-6600 if you suspect negligence from your medical practitioner.

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