

Medical Malpractice and Legal Liability

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1. Introduction

- Medical malpractice is professional negligence by a healthcare provider that causes harm to a patient.
- It falls under tort law and may also raise ethical and regulatory consequences.

2. Elements of Negligence

- **Duty:** a provider-patient relationship establishes a duty of care.
- **Breach:** failure to meet the accepted standard of care.
- **Causation:** the breach directly caused the injury.
- **Damages:** measurable harm such as injury, additional cost, or loss.

3. Standard of Care

- Defined by what a reasonably competent practitioner would do in similar circumstances.
- Expert testimony is usually required to establish the relevant standard.

4. Common Claims

- Misdiagnosis or delayed diagnosis, surgical errors, and medication mistakes.
- Failure to obtain informed consent or to monitor a patient adequately.

5. Liability and Risk Management

- **Vicarious liability:** employers may be liable for employees' negligent acts.
- Accurate documentation, communication, and adherence to protocols reduce risk.
- Malpractice insurance protects providers against financial liability.