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Patient Safety & Medical Malpractice

“195,000 people die in hospitals each year from potentially preventable medical errors. This is the equivalent of 390 jumbo jets full of people dying each year.”

AT Koonz, McKenney law firm, we handle a variety of personal injury cases including medical negligence cases.

What is medical negligence?

Patients have the legal right to assume the care given to them by medical professionals is at a certain standard. Medical negligence occurs when a doctor or hospital does not take care of a patient in a standard manner and causes significant injury or death.

What are the different types of medical negligence?

- Misdiagnosis
- Improperly performed surgery
- Failure to properly monitor anesthesia
- Delay or failure to diagnose a disease
- Failure to properly treat a condition
- Failure to prescribe the correct medication
- Failure to conduct appropriate tests
- Birth injuries from forceps or asphyxia
- Spinal cord injuries
- Failure to diagnose or treat cancer, impending heart attacks, appendicitis, or other common conditions
- Traumatic brain injuries
- Nursing home neglect and abuse

Is there a medical malpractice problem?

A recent study by HealthGrades, a leading independent healthcare quality company, reported that an average of 195,000 people die in hospitals each year from potentially preventable medical errors.

Dr. Samantha Collier, HealthGrades' Vice President of Medical Affairs, said, "The equivalent of 390 jumbo jets full of people are dying each year due to likely preventable, in-hospital medical errors, making this one of the leading killers in the U.S." Other studies report that medication errors are among the most common medical mistakes, harming at least 1.5 million people every year.

What does a lawyer do to investigate a medical negligence case?

The cases are complex. The lawyer must have a thorough understanding of both the medicine and the law. All of the medical records and films must be gathered. The lawyer must identify and retain specific medical experts to review the case.

What has to be proven in a medical negligence case?

It is only through medical experts that you can show that the doctor or hospital fell below the acceptable standard of care. Experts in the appropriate medical fields are required to:

1. Explain what the standard of appropriate medical care is
2. Review the patient's case (the medical records, the diagnostic films, and the past medical history)
3. Testify as to how the doctor or hospital fell below the standard of care in providing care to the patient
4. Describe how the malpractice harmed the patient

What types of damages can a jury award?

Harms caused by medical malpractice include: pain and suffering, loss of income, loss of pension and health care, debilitating emotional stress, disability, disfigurement and death. Unfortunately, there are caps or monetary limits placed on some of the damages in Virginia and Maryland.

Are there special time constraints or other requirements?

There are time deadlines for filing a law suit called "statutes of limitations" that vary from state to state. Maryland, Virginia and the District of Columbia also all have additional requirements that can include notifying the potential defendant of a claim, filing a certificate of merit, or first having the

claim reviewed by a medical panel. Please contact us to consult on these important deadlines and requirements.

What can you do to prevent medical negligence?

1. Speak up if you have questions or concerns and stay involved in your care.
2. Get a second opinion before any major non-emergency medical procedure you feel concerned about.
3. Bring family or a friend to be there with you and to ask questions that might not occur to you or to help get things done and speak up for you if you can't.
4. If you have a test, don't assume that no news is good news. Ask about the results.
5. Make sure that all of your doctors know about the prescription and over-the-counter medicine you are taking.
6. When your doctor writes you a prescription, make sure you can read it. If you can't read your doctor's handwriting, your pharmacist might not be able to either.
7. When you are being discharged from the hospital, ask your doctor to explain the treatment plan you will use at home, about your medicines, and when you can get back to your regular activities.
8. Learn about your condition and treatments by asking your doctor and nurse and by using other reliable sources, such as www.med-help.net/medical-information/medical-websites.html.

If you have any questions about a potential medical negligence case or issues affecting patient safety, please call (202) 659-5500 or email pchapman@koonz.com. **Partner Paulette Chapman** was selected by *Washingtonian Magazine* as one of the best lawyers in the District of Columbia in 2009 and she was selected for inclusion in the 2009 *Super Lawyers* magazine.