

## Malpractice Insurance, What Is It and What Does It Mean If Your Doctor Doesn't Carry It?

As a new patient at a doctor's office, it's standard procedure to fill out a stack of forms before you can receive any care. Most of the forms you're asked to fill out are standard: personal information, health insurance coverage, and medical history. It becomes more complicated when you turn to what's usually at the end of the new patient packet, and are confronted with "privacy practices", "HIPAA", and "release of information". These forms are standard, but they still require your full attention.

### What are you signing? What does this mean for you as a patient?

It becomes even more complicated if the office provides you a form expressing the physician's choice not to carry malpractice insurance. Now, you might think nothing of scribbling your signature on the dotted line when you're not feeling well and just want to see the doctor. This is the case with most patients; we go to the doctor when we're not at our best and entrust them to care for us through everything from the common cold to terminal illnesses. However, consideration should be given to what it means for your rights when agreeing to see a healthcare provider that doesn't carry malpractice insurance.

### Let's start with the definition of "malpractice insurance" under the law:

*Medical professional liability insurance, sometimes known as medical malpractice insurance, is one type of professional liability insurance which protects physicians and other licensed health care professionals (e.g., dentist, nurse) from liability associated with wrongful practices resulting in bodily injury, medical expenses and property damage, as well as the cost of defending lawsuits related to such claims.*

When a healthcare provider carries malpractice insurance, it protects the doctor him/herself, the nurses, and other medical professionals employed by the practice from what usually amounts to frivolous lawsuits from dissatisfied patients. This rarely happens and it's there as a "just-in-case". It allows the physician to feel protected from false claims and from sustaining damage to their good reputation. But, what happens if the doctor does act injuriously and causes serious harm to a patient under their care?

### **Malpractice insurance will pay out the compensation owed to you for your pain and suffering at the hands of the physician who acted negligently or in error, be it purposeful or due to lack of experience.**

If you find yourself in this unfortunate situation it is of utmost importance to hire a law firm that has your best interest at heart and is in the business of people, not big corporations. **Shaked Law Firm** represents YOU, not the insurance company. With **Shaked Law Firm** you can rest assured your rights matter and that your pain and suffering due to medical malpractice is taken seriously from Day One. Being injured after suffering illness or undergoing surgery causes undue hardships to your finances, family, and life. That's why Sagi Shaked pays attention to even the smallest details of your case and provides you with reassurance every step of the way.

### **Briefly, this is what happens when there are grounds for a medical malpractice lawsuit in which the healthcare provider carries malpractice insurance:**

When your lawyer files a medical malpractice lawsuit, he or she is suing the physician as a person, but the healthcare provider is represented by an insurance company who pays your compensation and the practitioner's legal representation. For this, the physician pays a large sum annually, known as a premium, to take protect him or her against that "just-in-case". For this reason, most physicians choose to carry malpractice insurance when they open their own practices and establish themselves. It provides peace-of-mind.

Unfortunately, there are occasions when the physician, for various reasons, will choose not to carry malpractice insurance on their practice.

**The physician can choose to provide the following form to patients or display it prominently in their waiting room in compliance with Florida law:**

*Under Florida law, doctors are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.*

This practice is known in the legal and medical world as "going bare", and when this happens, the above disclose will explicitly state the provider's decision. By informing you before you see the doctor, it allows you the choice to sign it and see the physician or decline and seek care at another practice that does carry malpractice insurance. It is a good idea to ask whether the physician in question carries this insurance when scheduling your new patient appointment to better prepare yourself from a legal standpoint.

Ultimately the choice is up to you and whether you have time to seek your healthcare elsewhere. In time sensitive situations you may not have a choice, but in elective situations you may want to do further research.

If you so choose not to sign it, you can ask for the new patient packet to be shredded (it is also advisable to take it with you and shred it yourself) and leave the office no questions asked. If you do choose to sign it, let's explore what that means for you, should something catastrophic occur during your treatment:

The first thing that happens is filing a lawsuit, but whom against? If the physician doesn't have malpractice insurance, you will need to find a lawyer that is willing to invest not only his or her time, but tens of thousands of dollars in "discovery". Discovery, in short, is collecting the necessary documents (medical records, statements from both parties, etc.) required to file a lawsuit in court.

The next thing that happens, if you are able to employ a law firm willing to invest the time and money into suing the physician as an individual, is to navigate Florida's numerous medical malpractice nuances that can often take longer than two year the statute of limitations.

Even if everything goes according to plan, your legal team will still have to go to trial and have the difficult task of convincing a jury that the physician in question did in fact commit medical malpractice. If the law works in your favor and you find yourself deemed able to be compensated for your injury, a judgement will be placed on the guilty party, namely the physician, and he or she will have to pay. This

process more often than not takes years and patients are highly likely to find themselves in a great deal of debt while playing the legal waiting game.

In short, it is in your best interest whenever possible not to seek the care of a physician who doesn't carry malpractice insurance. There are cases as stated above, that leave patients feeling as if they have little recourse, and in those instances, it is important to know what you're up against should a situation where you suffer medical negligence or injurious behavior from a healthcare provider occur.

**Contact us to schedule a complimentary consultation. There's no obligation. Take the first step and call today: (877). 529-0080**

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