

Malpractice, Misdiagnosis, and Medicine: What Happens When Your Doctor Gets It Wrong

Malpractice: we've seen the true-life television shows, we've read the *Reader's Digest* articles, but what happens when what's on screen and page become reality? If you're seeking a medical malpractice attorney, it's more than likely you or a loved one are a victim of medical malpractice. There's a vast array of medical malpractice areas; this article will seek to explain the specifics of misdiagnosis, and what happens when your doctor fails to treat your illness in time, or worse, fails to treat it at all.

A failure to correctly diagnose an illness can lead to unnecessary prescriptions, surgical procedures and ultimately result in unnecessary death.

Misdiagnosis can be deadly for patients while doctors continue practicing

If you've ever gone to the doctor and presented your symptoms, you'll usually find that the physician can pin down what's wrong and often prescribes medication that does the trick. If it's not as easy as a signature on a script, the provider might send you out for diagnostic testing. Diagnostics can include:

- MRI, CT scan, X-Rays
- Blood tests
- Biopsies
- Endoscopy, colonoscopy
- Nerve conduction studies, EEG
- Echocardiogram or EKG

When the physician receives the results of the diagnostics ordered, he or she will schedule a follow-up appointment to go over them with you and to discuss your treatment options. A good deal of the time the patient gets the better and the doctor can consider that a success. In some instances, though, if the doctor fails to order the correct testing or provides a pattern of substandard care that leaves you feeling worse than you did before, he or she may have committed medical malpractice.

If the doctor diagnosed you with the wrong illness or condition entirely, and then proceeds to treat that illness or condition instead of the underlying cause (what you're actually suffering from), then he or she is liable in the event that they cause physical harm or as a worst-case scenario, the patient who placed their trust in them dies under their care.

Misdiagnosis is often the cause of unnecessary medical fatalities

Misdiagnosis is often the cause of avoidable injury and fatalities if caught and rectified early in the patient's care. However, if not caught and the correct illness isn't diagnosed and treated in a timely manner, the patient is at a serious risk for becoming incurable and ultimately, they can die.

You have the right to compensation

If you've received substandard care or have been misdiagnosed by a physician, you have the right to compensation obtained on your behalf by an experienced attorney. Before you can be compensated for your pain and suffering, there are certain requirements that must be met to satisfy the laws of what constitutes a medical malpractice claim. The next section of this article seeks to explain those requirements.

What's required for a medical malpractice claim?

To file a medical malpractice claim against a healthcare provider, the following criteria must be satisfied:

- **A provider-patient relationship must have existed:** if you've been seeing the provider on a regular basis, and they have treated you for the diagnosed condition for a period of time, the doctor-patient relationship is then established. There are cases that do not satisfy this requirement. One example would be a situation where you were treated indirectly by a physician; you do not have a direct doctor-patient relationship with the third-party physician, and therefore this requirement is not met.
- **Negligence on the doctor's part:** for a successful medical malpractice claim you must be able to show that a healthcare provider caused you irreparable harm or acted injuriously in such a way that you have suffered permanent consequences due to their actions. We trust our physicians to meet the standard of care and to uphold the Hippocratic Oath they took upon graduating medical school. When they fail to do so, it's the patients who suffer. If there is any discrepancy as to whether the doctor in question acted in a negligent manner, a medical expert will be called in to determine whether this requirement is satisfied.
- **Did the doctor cause the injury?** This one is a little more complicated than the previous two criteria that need be satisfied. We go to the doctor when we're sick or already injured. It is necessary to prove that the treating physician was the cause of worsening injury or illness, and that it was not the underlying condition that caused the patient to deteriorate while being under the physician's care.
- **The injury caused irreparable harm or damage to the patient:** Negligence alone does not satisfy the requirements for a medical malpractice claim. The patient must prove that because of the doctor's actions (or lack thereof) they suffered specific, permanent injury.

The clock is ticking when it comes to the statute of limitations

If you've satisfied the requirements necessary to bring a medical malpractice lawsuit against a negligent physician that has caused you irreversible injury, you want to act quickly to retain legal counsel that can represent you. It's important to retain counsel that has your best interests and has had successful outcomes with medical malpractice cases in the past. **Shaked Law Firm** satisfies these requirements!

In the state of Florida, the statute of limitations is **(2) two** years, so retaining counsel and filing your claim is a time sensitive issue. If you don't file in the allotted time, the court will dismiss your case regardless of the requirements being met and you won't be able to obtain any compensation for your pain and injury.

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