

Medical Malpractice on the Increase

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Do you think that you have been a victim of medical malpractice? If so, hereâ€™s what you need to know.

([Newswire.net](#) -- September 26, 2016) -- When you go to a medical facility or hospital, you expect to receive professional care. While there are no guarantees that the doctor or physician can help you, there's certainly an expectation that they will do their best.

Unfortunately, this doesn't always happen.

The Current State of Medical Malpractice

If you've never been close to a medical malpractice case, it may seem like something that only happens in John Grisham books and Hollywood flicks. Oh, if only this were true. Medical malpractice is a pervasive problem today and likely will be for the foreseeable future.

[Here are some statistics](#) you need to know, as gathered by [MedicalMalpractice.com](#).

- According to a recent study of malpractice cases, 60 percent of victims are female and the median age is 38 years old. Around 20 percent of patients are newborns, while 12 percent are 65 or older.
- OBGYNs are the defendants in 19 percent of cases, while general surgeons (17 percent) and primary care physicians (16 percent) follow closely behind.
- The average compensation for inpatient malpractice is \$363,000, while the average award for outpatient care is right around \$290,000.
- For inpatient care, 34 percent of medical malpractice claims are rooted in surgical errors. For outpatient care, 46 percent of claims are tied to diagnosis errors.

This should give you a better idea of what the current state of medical malpractice looks like in the United States. Trends are always changing, though, so make sure you stay up to date.

Three Things You Need to Know

Now that you're familiar with some of the data behind medical malpractice cases, let's check out some of the top things you need to know in order to be informed.

1. Standard of Care

"Medical malpractice cases are assessed based on a 'standard of care,'" [Hardesty, Tyde, Green, and Ashton P.A.](#) explains. "That means that if the physician or medical professional did not meet the standards, they are guilty of medical malpractice. A standard refers to how others in a similar professional capacity would have acted."

In any medical malpractice case, everything is going to come back to the standard of care. If the medical professional was deemed to have provided the same standard of care as that of his peers, then he will almost always be acquitted of any responsibility. However, if it's deemed that he didn't live up to that standard of care, then the plaintiff usually wins.

2. How to Proceed

If you suspect you're a victim of medical malpractice, the first step is to contact the medical professional you believe is at fault. The doctor will tell you the situation and may even offer some sort of corrective service, free of charge.

If contacting the medical professional doesn't remedy the issue, you may reach out to the licensing board that governs medical licenses. They can often provide enough pressure to make something happen. Finally, you may wish to contact an attorney and file a medical malpractice claim. Just know that certain limitations and timeframes may be

applicable.

3. Settlements vs. Litigation

“Medical malpractice cases can be timely and costly, which is why most medical malpractice cases are settled out of court,” [FindLaw explains](#). “In addition, because medical malpractice insurance companies reject a significantly large portion of medical malpractice claims, it may be in your best interest to settle out-of-court or risk having no case at all.”

However, should you and your attorney feel like you have a very strong case, then, by all means, seek a larger settlement or take the case to court.

Medical Malpractice is Serious Business

Medical malpractice is a big deal. While the odds of you or a loved one ever being subjected to malpractice in the United States are quite low, it never hurts to understand your rights and contact a legal professional if you suspect an issue.

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