

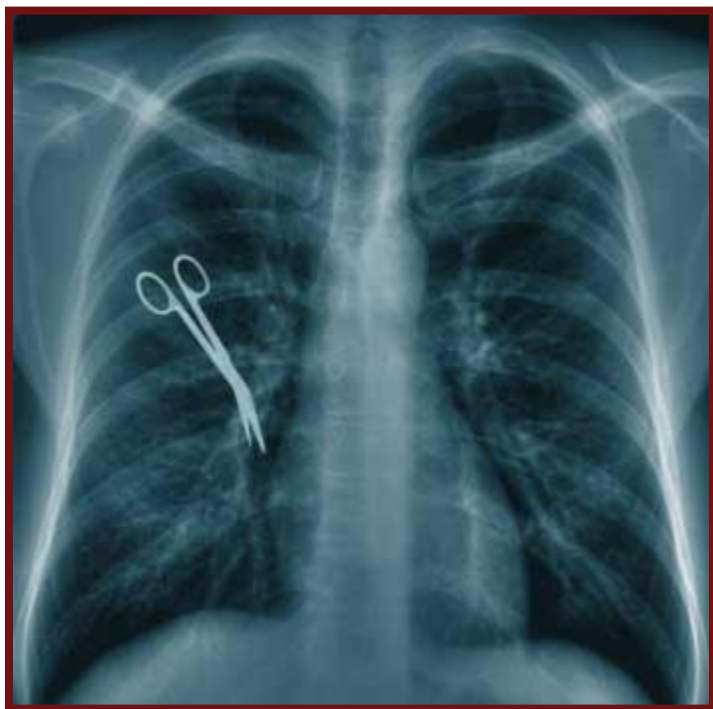
MICHIGAN MEDICAL MALPRACTICE THE BASICS

Not All Mistakes Made By a Healthcare Professional Amount to Medical Negligence; However, When a Medical Error Does Qualify as Medical Negligence the Victim, or Survivors in the Case of a Fatal Error, May Be Entitled to Compensation for the Resulting Injuries



Slusky & Walt, PC
Injury & Disability Attorneys

We all count on doctors and other healthcare professionals to treat us when we are sick or injured. The assumption is that we will leave a doctor's office feeling better than when we went in to the office. What happens though when a doctor does more harm than good? Doctors are human too, meaning they make mistakes. Not all mistakes made by a healthcare professional amount to medical



negligence; however, when a medical error does qualify as medical negligence the victim, or survivors in the case of a fatal error, may be entitled to compensation for the resulting injuries. Because medical malpractice is such a highly specialized area of the law it is best to consult with an experienced Michigan medical malpractice attorney about specific questions;

however, understanding the basics of a medical malpractice lawsuit may help you decide if you should pursue one.

Medical Errors in the United States

Understandably, we would all like to think that medical errors are rare in the United States. The reality, however, is that medical errors occur far more often than most people realize. At the turn of the 21st century, less than two decades

ago, one of the first credible studies on fatal medical errors was published, informing us that almost 100,000 people died each year in the U.S. as a result of a medical error. As shocking as that number was at the time, it turns out the true number of deaths attributable to medical errors each year is closer to half a million – 440,000 to be precise. To put that in perspective, that means over 1,000 people dies, on average, every day because of a medical error. Worse still, that figure only accounts for *fatal* medical errors. Experts estimate that as many as an additional two million people are injured or become ill as a result of non-fatal medical errors every year in the U.S.

Keep in mind that doctors are not the only people who commit medical errors. Anyone in the healthcare industry can commit a medical error, including, but not limited to:

- Doctors
- Surgeons
- Nurses
- Hospitals
- Dentists
- Chiropractors
- Psychiatrists
- Pharmacists
- Nursing homes
- EMTs
- Nurse practitioners

Common Medical Errors

A medical error can be just about anything that amounts to a mistake made by a healthcare practitioner, however, there are some common medical errors that fall into four basic categories, including:

- **Diagnostic errors** – failing to diagnose, wrong diagnosis, failing to follow up, delayed diagnosis are among the most common diagnostic errors.
- **Surgical errors** – operating on the wrong patient, operating on the wrong body part, unnecessary surgery, infection caused by surgery, and leaving foreign objects in a patient after surgery are found in this category.
- **Anesthetic errors** – giving a patient too much or too little anesthesia, failing to monitor, and failing to recognize a contraindication or dangerous drug interaction are all anesthetic errors.
- **Medication errors** – prescribing the wrong medication, prescribing too high of a dose, failing to recognize a dangerous drug interaction, filling a prescription with the wrong medication are common medication errors.

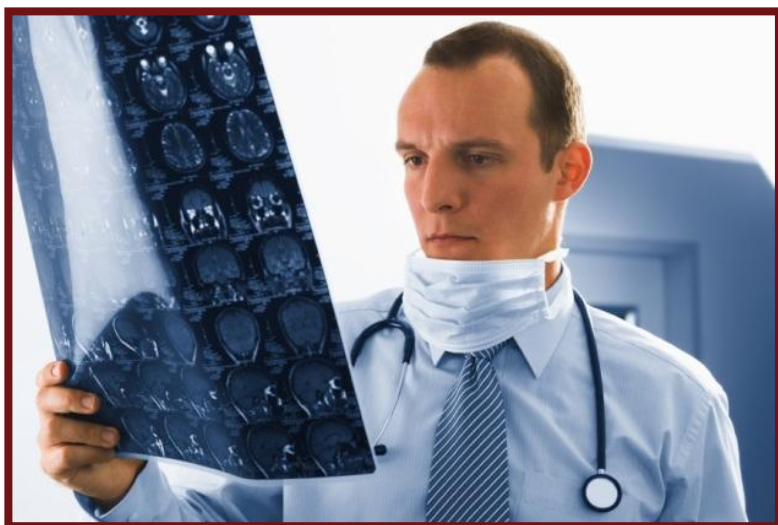


What Is Medical Negligence?

Not all medical errors amount to medical negligence. For a victim, or survivor, to have a valid claim for medical malpractice the defendant's actions must be

considered negligent. Medical negligence is defined as an “act or omission by a health care provider in which the treatment provided falls below the accepted standard of practice in the medical community and causes injury or death to the patient.” In other words, the healthcare provider must have done something, or failed to do something, that another healthcare provider in the same situation would have done differently.

Proving Medical Negligence -- Why Medical Malpractice Lawsuits are Different



Although medical practice is a type of personal injury lawsuit, proving medical negligence is typically harder than proving negligence in other types of personal injury cases. There are a number of reasons for this, chief among them the fact that proving

medical negligence requires an expert willing to testify on the plaintiff's (victim) behalf. Because the definition of medical negligence is based on whether or not the defendant's actions strayed from what another similarly situated doctor (or other provider) would have done, it is crucial to have a doctor (or other provider) testify that he or she would have acted differently and that the defendant's actions were not within the realm of reasonable under the circumstances.

Compensation in a Michigan Medical Malpractice Lawsuit

A victim of medical malpractice may be entitled to both economic and non-economic damages in the State of Michigan. Economic damages refer to out of pocket expenses such as the cost of additional surgery or additional medical expenses caused by the defendant's negligence as well as the earnings lost by the victim because of the defendant's negligence. Non-economic damages are what people commonly refer to as "pain and suffering" damages; though, factors other than pain and suffering are actually compensable as well in a non-economic damages award. Non-economic damages are subjective in nature and are, therefore, harder to value. Like many states, however, Michigan has a damages "cap" on the non-economic portion of a medical malpractice settlement or award. For most injuries, the non-economic portion of your damages award cannot exceed \$280,000. For more serious injuries, such as brain or spinal cord injuries, the non-economic damages cap is set at \$500,000.

If you believe that you have been the victim of medical negligence, or that you are the surviving family member of someone who was fatally injured as a result of medical negligence, it is imperative that you consult with an experienced Michigan medical malpractice attorney as soon as possible. Although you may be entitled to compensation for your injuries or loss, the law limits the amount of time within which you must pursue compensation through a medical malpractice lawsuit.

State of Michigan Department of the Treasury, [Limitation on Non-Economic Damages](#)

Expertlaw, [Michigan Medical Malpractice – An Overview](#)

NPR, [How Many Die from Medical Mistakes in U.S. Hospitals?](#)

Forbes, [Stunning News on Preventable Deaths in Hospitals](#)

About Slusky& Walt, P.C.



We are experienced personal injury accident lawyers and have been successful with many settlements and jury verdicts in cases ranging from automobile accidents to dog bite injuries.

We treat every case with the aggressiveness and seriousness you would expect be given to your claim. In the event your case requires outside expertise, we have a network of trusted associates that we can refer your case to help you get the benefits you deserve.

No matter how you have been injured, please call us at 1-800-ABE HELPS. Every consultation is free and there is no fee unless we win your case.

We are experienced personal injury accident lawyers and have been successful with many settlements and jury verdicts in cases ranging from automobile accidents to dog bite injuries.

We treat every case with the aggressiveness and seriousness you would expect be given to your claim. In the event your case requires outside expertise, we have a network of trusted associates that we can refer your case to help you get the benefits you deserve.

No matter how you have been injured, please call us at 1-800-ABE HELPS. Every consultation is free and there is no fee unless we win your case.

A black and white image of the Lincoln Memorial statue, showing Abraham Lincoln seated in a large chair, with his right hand resting on his lap and his left hand on the armrest.

Denied Social Security Benefits?

1-800-ABE-HELPS

1-800-223-4357

Thousands helped. Millions won.