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Malpractice - Provide Justice To Yourself

By Sharon Albright

The term malpractice in general refers to any type of corrupt, illegal or careless behavior in a profession. When a skilled and experienced professional rendering responsible services fails to perform his professional services, thereby causing serious loss or damage to the service takers, then these instances are called malpractices. However, malpractice can occur in the field of medicines, laws, education and others.

Laws of malpractice

The laws of malpractice suggest that before the affected service taker will start proceeding to sue the professional, he must consult the professional and make him know the area of his guilt, his lack of care and the injury he has caused to the client. After the consultation is over, the client must come under the purview of State organizations and other public agencies that conducts disciplinary functions. These organizations, if needed, will impose fines, suspensions, penalties and even revocation of services.

Medical malpractice

Medical malpractice is one of the common malpractices that are occurs almost everyday. It is a suit issued by the client or patient against the practitioner for causing injury, damage or loss due to negligent treatments. So the doctors, nurses and the hospital technicians are brought to the forefront by the patients and put forward for inquiry of their services.

A lawsuit or medical malpractice warranty is issued against a doctor only when he is found seriously guilty of causing damage or injury to the patient due to his lack of concentration or wrong diagnosis and treatments. It is advisable that the medical practitioner should sign on an agreement of the type of treatment and procedures he wishes to apply on the patient. In case he fails or shows his lack of diligence, then the patient can bring charges against him/her.

Legal malpractice

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It stands for unethical practices in providing the expected standard of service by the attorney. It occurs when the practitioner who is supposed to provide legal advice neglects and causes damage to the client in the process. But the client has to prove the extent of the damage and that fact that he/she has lost the case due to the negligence of the attorney. The client can then bring the case to the Bar Association, which will take necessary actions against malpractices.

Dental malpractice

Malpractices provided by dental health care professionals are called dental malpractices. Dentists and oral surgeons are expected to provide a decent standard of care to the patients. When the dental professionals inflict injury, damage, loss and negligence on the patients, then he has the right to question the malpractice and register a complaint against the practitioners.

Veterinary Malpractice

This includes cases filed against veterinarians for providing negligent treatment towards animals. For example if a pet bird is ignored by the veterinarian from providing the right vaccination that it needs and the bird's standards start deteriorating, then the veterinarian is supposed to have committed malpractices.

Checks on various cases will definitely prevent malpractices.

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. Read more articles on

Malpractice and visit her recommended resources.

Medical Malpractice Lawyers – You Never Know When You May Need One

By Tyson J Stevenson

Medical malpractice occurs when a health care provider who by an action or omission deviates from the accepted norms of practice in medicine leading to injury/ death to a patient.

Many deaths occur due to medical malpractice. A health care provider is not just the doctor or the surgeon but includes nurses, dentists, therapists, hospitals, clinics etc. Medical malpractice law is derived from the general negligence law. Various laws have evolved in the US, England, Australia and other countries, which are similar in concept for control of medical malpractice.

Claims are made for negligence, misdiagnosis, improper medication etc. Claims can even be made where informed consent of the patient is taken. Claims can also be made against corporations,

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hospitals, clinics for the mistake of their employees based on vicarious liability. The patient has the right to claim economic and non-economic damages.

However in medical malpractice cases, the burden of proof lies with the plaintiff (patient). Hence the patient should hire a good lawyer. Three things have to be proved by the plaintiff:

- The health care provider failed to provide adequate and reasonable care to the patient.
- This failure to provide adequate care to the patient has resulted in damage or loss to the patient.
- The health care provider is liable to pay the damages or loss.

The damages are of two types, compensatory and punitive. Compensatory damages are of two types economic and non-economic damages. Economic damages are monetary losses like, medical care, medicines and loss of wages. These damages can be in the past or future. Non-economic damages are the ones like loss of organ or vision, pain, disfigurement, embarrassment emotional stress etc.

Punitive damages are very rarely awarded. Medical malpractice cases are complicated because when the patient is admitted he is already injured or ill and hence the damage caused by negligent medical care has to be assessed independently of the earlier illness or injury.

A further obstacle in medical malpractice case is that expert witness is to be provided by the plaintiff. Very few doctors are willing to testify against another doctor even when the case of negligent care is clear. On the other hand the defendant lawyers have a pool of doctors to defend the case of negligent medical care. Usually medical malpractice attorney firms provide expert testimony on the care provided by the health care provider. Some medical malpractice lawyer firms provide free case evaluation and take medical malpractice cases on contingent basis that is until the firm wins the case for the client, the client need not pay for the services of the lawyers. In medical malpractice cases it is vital to obtain the medical records as early as possible by the patient or his representative.

Most healthcare providers take medical malpractice insurance. There has been an ongoing debate by doctors and their medical malpractice insurance companies against excessive jury awards. Generally insurance companies rarely go to trial where large penalties are involved. However it must be remembered that the insurance companies and health care providers are willing to fight it out against

spurious medical malpractice claims. The procedure for filing a medical malpractice claim varies from state to state.

Tyson J Stevenson writes on a wide variety of "every day" subjects, always with valuable news & reviews. Expect to see his name often. A related resource is

<http://bestmedicalmalpracticelawyers.info>



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