

What is Medical Negligence?

Mistakes can be made by medical personnel but if these mistakes are avoidable and result in the alteration to the health or life of a patient, you may have a claim, writes Martin Kerrigan, Solicitor.

Medical Negligence (or Clinical Negligence, as it is also called) occurs when a doctor or a medical practitioner is guilty of acting in a manner which is below the standard to be expected of such a medical person resulting in consequential injury to the patient.

These negligent acts can vary from a failure to read a scan correctly to a failure to diagnose a patient and even surgical errors. Unfortunately, such mistakes can be catastrophic for a patient, as they can lead to permanent, life altering injuries and, in some instances, death. Medical Negligence can be quite difficult to prove. For this reason, it is important that you engage an expert solicitor from an early stage who specialises in the area of

Medical Negligence. Under the current laws in Ireland, a patient (who feels that he/she is a victim of medical negligence) has two years from the date of the wrongdoing (or the date of knowledge of the wrongdoing) to formally start a legal case. However, as there are several steps which must be carried out before such a case can be formally started, it is important that you should engage a solicitor as soon as you become aware of the wrongdoing.



*Martin Kerrigan is a Solicitor working in Medical Negligence and Personal Injury Law.
For further advice, email martinkerrigan@berwick.ie*

An example of where the courts have found a treating doctor to be negligent occurred in the 1997 case of Fitzpatrick v. The Midlands Health Board. The claimant attended a hospital with a swollen and painful index finger. Upon presentation to hospital, surgery was performed and a sample taken. He was not prescribed antibiotics and was discharged. A further six days passed until the surgeon obtained the results and the patient was placed on antibiotics. However, at that stage, the condition of his finger had substantially deteriorated. Unfortunately, as there was now an infection in the bone, the only option was to amputate the upper portion (or distal phalanx) of his right index finger. The patient took a case and was awarded compensation for his loss. The judge found that the doctor should have placed him on antibiotics while awaiting the results of the tests. This, according to the medical experts in this case, was the critical stage when the infection set in.

If you have suffered an injury as a consequence of medical treatment and think you may be entitled to compensation, it is best to engage the advice of a qualified professional as soon as possible. Berwick Solicitors have specialised in this area for many years.

*In contentious business, a solicitor may not calculate fees or charges as a percentage or proportion of any award or settlement.

*The above should not be taken as legal advice. Please consult a Family Law Solicitor for more information.

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SOLICITORS

16 Eyre Square, Galway.
091-567545 / 086-8152932
www.berwick.ie