

MEDICAL NEGLIGENCE

What Is Medical Negligence?

The law of negligence regulates careless human behaviour in society by providing compensation to the injured victim of another person's careless conduct. If you endured injury/damage or loss from medical negligence, you should contact an experienced solicitor to assist you in your claim.

What Is The Status On Medical Negligence Claims?

<https://www.irishtimes.com/news/health/state-paid-out-almost-315m-on-medical-negligence-claims-last-year-1.4466774>

The above article reviews figures given by Minister for Health Stephen Donnelly. The numbers states the following.

3 awards
of **€18.4 million**,
€14.8 million and
€12 million
were made to people
who suffered cerebral
palsy during delivery

The top 5
largest individual
pay-outs total
of **€77.2 million**

State Claims Agency,
which handles all
personal injury cases on
behalf of State bodies,
paid out awards for
medical negligence
totalling **€245,066,025**
in 2020

5th largest award
of **€9.4 million**
was made to a person
who suffered
catastrophic non-brain
injury in hospital

Biggest award
for damages was
for more than
€22.6 million
to an individual
who suffered
cerebral palsy during
birth complications

What Are The Different Types Of Medical Negligence Claims?

1 A&E Claims:

The following are instances when a claim for A&E negligence arises. Firstly, being discharged early, and your illnesses/injury deteriorated. Secondly, not being medically examined properly for instance, your practitioner did not use the correct tests, they did not record your symptoms as instructed or they were negligent in recording your medical history. Thirdly, your practitioner acted negligent in surgery by not using equipment correctly, performed the surgery incorrectly or your medical practitioner did not provide the required standard of care.

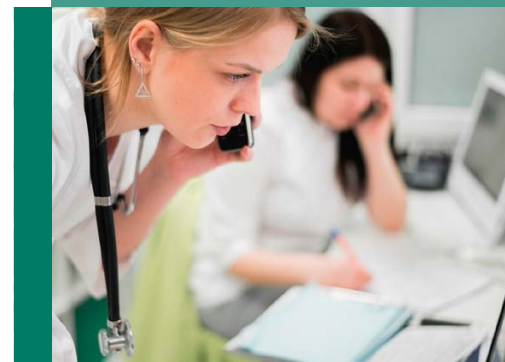
2 Cancer Misdiagnosis Claims:

The following are instances when cancer misdiagnosis claims arise.

Firstly, receiving a late diagnoses, and as a result your treatment is delayed. Thus, the cancer may progress to a untreatable stage. Secondly, not identifying your illness by ignoring or not noticing your symptoms. As a result, you are not informed of your cancer.

If cancer is not detected, and it progresses to an untreatable stage, you may suffer extreme pain and your chances of reducing the cancer may be limited. Thirdly, absolute confidence in your medical practitioner is limited for instance, giving a cancer diagnosis to someone who does not have cancer.

The types of cancer you can be misdiagnoses with are liver, stomach, leukaemia and many more. Cancer misdiagnosis transpires due to a false negative or false positive, negligence on behalf of your medical practitioner or faulty equipment that fails to recognise the cancer.



3 Blood Transfusion Claims:

The following are instances where you may have a claim against the hospital or clinic who conducted your blood transfusion incorrectly. Firstly, your consent was not given to the transfusion. Secondly, contaminated or the wrong blood type was given to you, and lastly your practitioner conducted a transfusion on you when you did not need one. Thus, you may have experienced pain, life-threatening injuries, or untreatable conditions.



4 Care Home Negligence Claims:

If someone you love experienced an injury or illness during their time in a care home, you could bring a claim for care home negligence. Firstly, you need to prove that these injuries were intended, you need to obtain documents recording injuries, and records of the lack of care received. An example of negligence in a care home could be incorrect medicine/treatment being given to people. Secondly, the staff may have acted in a negligent manner for instance, leaving the elderly person in an unhygienic/dangerous environment, abusing the elderly, causing injuries, not assisting them with their wheelchairs, walking sticks or basic human needs. As a result, ulcers, sores, injuries, and serious effects on mental health could happen.



5 Nerve Damage Claims:

In the event of nerve damage occurring after or during surgery, you can proceed with a claim against the hospital, clinic, or surgeon itself. An instance of never damage occurring could be loss of movement of your body, your body being paralysed, extensive pains and constant weakness. Secondly, your body's temperature may be abnormal after surgery. Lastly, your body experiencing blurred vision, headaches, and hearing loss upon surgery.



6 Anaesthetic Awareness Claims

If you consider yourself to be in one of the following circumstances, you should make a record of everything you experienced and contact a solicitor. You may have endured suffering by being awake throughout surgery in these ways. Firstly, you might have developed poor mental health, anxiety, night terrors, recollections of the surgery and insomnia. Secondly, you might be apprehensive of attending future doctor's appointments and developing post-traumatic stress disorder.



7 Dental Negligence Claims:

The Medical Practitioners Act 2017 states that dentists must comply with their duties to the highest standard of care. If you are in any following situations, you may have a claim against your dentist. Firstly, a late diagnosis was given to you, infections occurred due to the wrong equipment being used. You may have experienced clinical negligence, cosmetic dentistry negligence or dental malpractice. Cosmetic dentistry involves enhancing your teeth and mouth for instance, teeth whitening, veneers, or crowns etc. Clinical negligence involves noncompliance with their duties as a dentist for instance, not recognising an oral condition or not giving the right treatment or care.



8 Birth Injury Claims:

If mother or baby are injured during or after birth, you should contact a solicitor to assist you in a medical negligence claim.

You or your baby could be injured during delivery. This occurs when there is mishandling of your pregnancy plan or aftercare. For instance, not using the equipment as instructed, not giving the correct medicine, not identifying your baby's heart rate or sugar levels sufficiently and not dealing with an emergency caesarean birth correctly. Thus, nerve/ brain damage, bones being broke or Cerebral Palsy could occur.

It is important to recognize your baby could develop these injuries upon birth. Mother can develop injuries such as broken bones, infection, PTSD, and death etc. Your baby may develop a defect due to your practitioners negligence.



9 GP Negligence Claims:

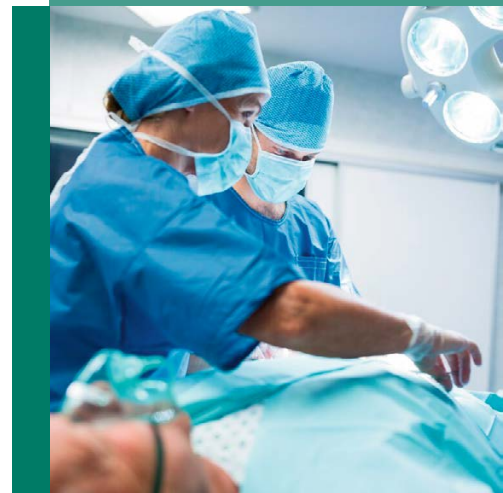
If your GP did not provide you with standard of care that a reasonable GP would have, and their negligent manner resulted in an injury/loss or damage, you should contact your solicitor to assist you with your claim. Your solicitor will gather medical reports and give them to a medical expert for their opinion on if the GP acted in accordance with the standard of care. If your GP sent you to a specialist, it must be evidenced that the specialist notices your symptoms and treated them. If you were not sent to a specialist, it must be evidenced that you experienced injury or worse conditions. Some examples of GP negligence claims are not referring the patient to a specialist, misdiagnosis resulting in your condition getting worse, prescription errors and not examining the patient correctly.

10 Surgical Error Claims:

If you experience a surgical error such as infection, the incorrect procedure being carried out, nerve damage, lack of duty of care and many more you should contact your solicitor to assist you in a claim. To proceed with a surgical negligence claim, it must be evidenced that your medical practitioner did not comply with the standard of care that a reasonable medical practitioner would have acted. You must show that your injury /loss or damage was a result of the noncompliance. As there are risks of surgery that could result in long-lasting pain and injuries. It is important that your medical practitioner informs you of these risks before you consent to surgery.

11 Vaccine Injury Compensation:

In the event you obtain an injury to your shoulder due to a vaccine (SIRVA), you should contact a solicitor to assist you with your claim. This injury occurs when a vaccine into the shoulder goes into the capsule rather than the deltoid muscle. As a result, pain will develop, and lack of movement occurs. It is important to recognise that symptoms happen within days or weeks upon your injection. Depending on the severity of symptoms, you may need an operation to help the damage done. Compensation may be awarded.



12 Defective Products Claims:

If you had a medical product, put into your body by an operation and it becomes defective. Importantly, the European Medical Device Directives established that all companies that design, test and implant medical devices must have the CE mark.

There are 4 types of medical devices. Invasive devices can be used for short term to long term use and an example would be prosthetic joints, replacements, operation equipment etc. Non-invasive devices can be used to design wheelchairs, glasses frames etc. Special rules can be used for contraceptive devices, disinfectant devices etc. Active medical devices can be used for hearing aids, muscle stimulators, incubators etc. Regarding medical devices, you must show that the defective device caused your injury/loss or damage. You must show that the device did not comply with the standard of care required. Lastly, you must show your medical practitioner who used the device did not act in accordance with the standard of care that a reasonable medical practitioner would have.



13 Prescription Error Claims:

There are two circumstances when you can bring action for prescription errors. Firstly, the incorrect prescription was administered to you. Secondly, the wrong type of prescription was administered to you. These can result in injury, damage, or extreme sickness in the patient.

Your pharmacist or medical practitioner should be aware of the consequences of mixing medications, the impact of administering incorrect dosages, they should make the patient aware of dosage instructions and be aware of medical history.

An example of prescription error includes unclear writing on the prescription or your practitioner not being aware of medication names and risks involved and still administering them.

