



**ANDERSONS**  
S O L I C I T O R S

## LawTalk Blog



# I have been prescribed the wrong medication. Do I have any rights to compensation?

**Author:** [Suzanne Pinyon](#)

**Email:** [enquiry@andersons.com.au](mailto:enquiry@andersons.com.au)

**Phone:** 08 8238 6639

**Date:** Tuesday February 17, 2015

When you are being prescribed medication it is very important that a doctor is aware of your medical history and that you are prescribed the right drug(s) for you. Many drugs can have quite serious side effects and can be dangerous to take with certain medical conditions.

There are a number of scenarios where you may be provided with the wrong medication.

For example:

1. Your treating doctor or hospital may prescribe inappropriate medication. The most common scenario for this is when a doctor fails to consider an allergy that you have which will be triggered by the medication or failing to appreciate that prescribing a certain medication will react badly with medication you are already taking. The doctor will only be liable for this error if he knew or ought to have known that you were taking another medication or knew or ought to have known of your allergy. If that is the case then action can be taken against the doctor individually or if employed by the hospital, then against the hospital. In such cases it is very important that the right person or legal entity is sued for the damage.
2. In some cases a pharmacist can fill out a script incorrectly, thus administering the wrong medication or the wrong dose of medication which can cause significant issues and personal injury. In this scenario the action would be against the pharmacist who filled the prescription.

3. There are situations where a nurse in a hospital administers the wrong medication to a patient and in this scenario there may be an action against the hospital or organisation which employs the nurse.
4. In a more rare situation the negligence can rest with the drug company for misrepresenting the drug with respect to its ingredients or using the wrong packaging for that drug. In such cases an action needs to be brought pursuant to the provisions of the *Trace Practices Act* and to sue the manufacturer of the drug and/or the distributor of the drug in Australia.
5. In other cases a doctor may misdiagnose a condition and prescribe a drug that is not appropriate which causes significant side effects and also may fail to adequately monitor such medication.

Being prescribed the wrong medication can lead to very serious consequences and may form the basis of a claim for compensation. It's important in medical negligence cases that you seek legal advice from a solicitor highly experienced in this field.

---

*Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to South Australian legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.*