

Medical Negligence

Do your circumstances deserve compensation?

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Key considerations

If you believe you've suffered injury or illness as a result of medical negligence or medical malpractice, there are some initial considerations that will make you aware of what may be available for you. When you're ready, our experienced team of lawyers and staff is ready to help.

Time limit	You have 3 years to make a claim or you will have to make an application for an extension of time.
Children	If under the age of 18 at the time of the medical negligence the 3 year time limit begins once you turn 18.
Court	Most claims are settled outside of court and well before a trial.
Medical professionals	Can potentially be held liable for substandard treatment.
Entitlements	Payments for pain and suffering, lost income, medical expenses, costs of care.



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What to do about medical negligence

Medical negligence injury?

If you have suffered an injury or illness or you are a dependent of someone who has died as a result of an injury or illness caused by the negligence of a medical practitioner, a hospital or any other provider of health related services, you may be entitled to compensation. There are strict time limits that apply to this type of claim.

At Andersons, we can provide you with the right information and assist you with any claims process.

What is medical negligence?

When a medical practitioner provides treatment that is sub standard and the effects of such treatment results in exacerbation of the original injury or new injuries or complications, you may be entitled to sue at common law.

There is a range of medical practitioners that may be subject to these laws, including but not limited to GP's, hospitals, physiotherapists, chiropractors and dentists.

It is important to note that given the complexity of medical treatment, on occasions things don't go the way you expected; this does not necessarily mean there was negligence involved.

In order to determine if there was negligence, you should seek professional advice from Andersons.

How long do I have to make a claim?

There is a time limit of three years to make a claim or issue proceedings in Court, for medical negligence. If you fail to commence an action within the three year period, your claim will become 'time barred' and you will only be able to claim compensation for your injuries if the Court orders an extension of time to commence an action.

If you are under the age of 18 years at the time of the injury, a parent or guardian may instruct a solicitor to start proceedings on your behalf and in those circumstances, the three year time limit does not start until you turn 18 years old.

What might I be entitled to?

The compensation may be payable if you have suffered physical, psychological or financial harm as a result of medically negligent treatment by a medical practitioner.

Time limits apply to a common law claim for medical negligence so it is important to act as soon as you think you may be entitled to compensation. Call Andersons for advice.

You may be entitled to:

- ◆ Lump sum payments for pain and suffering if the injury is significant;
- ◆ Loss of wages;
- ◆ Medical expenses;
- ◆ Domestic and other care services.