



# Medical Negligence and Malpractice

## Lec.2

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## **Introduction:**

Everybody makes mistakes. But in some cases, a healthcare professional's mistake can be considered medical malpractice or medical negligence if it causes an injury.

# What the different between Medical negligence and malpractice

**Medical negligence:** This is when a healthcare professional makes a decision or performs an action that accidentally causes harm to their patient.

- *A surgeon is performing a routine procedure and accidentally nicks a blood vessel, causing injury. This would be an example of medical negligence.*

- **Medical malpractice:** a mistake because they didn't follow proper guidelines or protocols.
- *if a surgeon performs a surgery without running necessary tests first, thus leading to an injury.*
- In fact, medical malpractice can be considered a type of medical negligence.

## **Types of harm patients can sue for:**

- Physical pain
- Mental anguish
- Additional medical bills
- Lost work and lost earning capacity.

## **The Elements That Prove Negligence?**

There are four basic elements required to prove nursing negligence:

### **1. Duty of Care:**

Examples of nursing duties include: administering correct medications, monitoring patients for changes, and alerting physicians when there is a change in the patient's status.

## **2. Breach of Duty:**

If a nurse observes a decline in a patient's status and does not report the change to the attending physician, the nurse has committed a breach of duty to report.

## **3. Causation:**

Causation requires a complainant to show proof that the nurse's breach of duty was the cause of the patient's injury or loss. For example, a nurse failed to document a previous dose of an opioid pain medication and administered a second dose.

## 4. Damages:

Complainants must prove that injuries or other damages occurred as a *result* of the breach of duty by the nurse. Considering the example in #3 above, the damage could be that the patient suffers respiratory arrest due to the respiratory depressant properties of the medication.



## **Example related to negligence:**

- ***EXAMPLE #1: Failure to administer medication***
- In some cases, the nurse may need to withhold medication. For example, if a patient has an order for Digoxin, the nurse must assess the patient's pulse before giving the medication. If the patient's pulse rate is less than sixty, the medication is withheld. In this case, the nurse should document the patient's pulse rate and that the medication was not given.
- Nursing negligence occurs when a nurse fails to administer medication without just cause, a physician's order, and properly documenting it.



- ***How to Prevent this Negligence:***

- reviewing patient charts and medication orders and administering medications at the appropriate time.
- If the nurse feels there is reason to withhold a medication, the charge nurse and/or physician should be notified, and it should be documented.

- ***EXAMPLE #2: Not reporting a change in patient status:***
- Nurses must monitor and report changes as they occur. For example, if a patient has a diagnosis of chronic renal failure and the nurse observes 3+ pitting edema, but since the patient is taking a diuretic. If the edema is not resolved and fluid accumulation continues, the patient could experience a respiratory crisis due to fluid buildup.





➤ ***How to Prevent this Negligence:***

- Report always any abnormality in a patient's status.
- The physician may or may not alter the treatment plan. However, by reporting concerns and creating supporting documentation, nurses protect themselves from accusations of negligence.

- ***EXAMPLE #3: Administering the wrong medication***
- One of the nurse's primary responsibilities is medication administration.
  
- ***How to Prevent this Negligence:***
- To prevent medication errors, the nurse should check written orders and read the medication label to ensure the right medication and dose are on hand.



➤ ***EXAMPLE #4: Injuring a Patient with Medical Equipment:***

- Negligence in nursing may occur as a result of something that is accidental.

***How to Prevent this Negligence:***

- by making sure equipment is secured in proper places.
- placing call lights within the patient's reach but secured.
- Medical equipment should working order before using them in patient care.

## ➤ ***EXAMPLE #5: Administering Medication Using the Wrong Route***

➤ All medication orders should include the patient's name, dose, frequency, and route of administration. If administers the right medication but uses the wrong route of administration this is considered an act of negligence.

### ➤ ***How to Prevent this Negligence:***

➤ If the orders are not clear, or if the nurse suspects the route of administration is not appropriate, she must verify the order with the physician and the pharmacy.



➤ ***EXAMPLE #6: Failure to Monitor the Patient:***

➤ Nurses are often the first to notice changes in a patient's status. However, if nurses fail to monitor their patients properly, they can miss vital signs that indicate patient complications or decline.

➤ ***How to Prevent this Negligence:***

➤ Nurses can prevent a breach of duty resulting in nursing negligence by carefully monitoring patients.



# Example of malpractice

## ➤ Surgical malpractice

Many different sorts of surgical errors may establish medical malpractice, including the following:

- Wrong-site surgery
- Wrong-patient surgery
- Wrong surgical procedure performed
- Using the incorrect surgical technique
- Causing nerve, tissue, or organ damage
- Performing unnecessary surgery
- Using tools that have not been sterilized
- Leaving objects inside the patient;
- Anesthesia administered in excess or insufficiently
- Failure to offer appropriate follow-up care.



➤ **Birth injuries**

**Birth injuries can result from any of the following malpractices:**

- Provision of inadequate prenatal care.
- Failure to detect major complications
- Performing an unnecessary C-section delivery
- Failure to monitor both the baby and the mother throughout labor;
- Anesthesia administered in excess or insufficiently.



***Thank you***