



National Medical Consultants, P.C.

Medical Review of Malpractice and
Health Related Cases In All Medical Specialties

Actionable Medical Malpractice

Actionable medical malpractice. . . (also called medical negligence) occurs when a physician fails to properly treat a medical condition and the negligent act or omission is the cause of a new or aggravated injury to the patient.

Obviously the physician cannot be responsible for the original underlying medical problem. The negligence in medical malpractice cases can occur in a variety of situations including but not limited to:

- There may be "medical malpractice" by a delay or failure in diagnosing a disease; or
- A surgical or anesthesia related mishap during an operative procedure could constitute "medical malpractice"; or
- Malpractice may involve the physician's failure to gain the informed consent of the patient for an operation or surgical procedure; or
- A physician who has made the correct diagnosis, may thereafter commit malpractice by failing to properly treat the disease process;
- Misuse of Prescription Drugs or a Medical Device or Implant can also be medical malpractice.

It is the attorney's obligation to determine as quickly and efficiently as possible whether there is a good, actionable case. This is so because medical malpractice cases are by their very nature, complex, expensive to pursue, have a high risk of no recovery, and often involve a client's "personal" attachment. This is where National Medical Consultants, PC can offer great value to either the plaintiff or defense attorneys in medical malpractice cases, we offer a free initial screening based on a summary of your case.

During the initial client contact, the attorney will obtain a detailed medical history during which the attorney should obtain the names of all physicians and hospitals that have rendered medical treatment to the client. It is valuable for a client to prepare a written summary (timeline) of all medical treatment including dates, doctors, symptoms, conversations with medical providers, and treatment received. Thereafter, all relevant medical records are obtained by the attorney. In many medical malpractice cases, proof of negligence is found in these records.

In order to determine if there is "medical malpractice" it is necessary that a medical expert be retained to consult with the plaintiff's attorney.

This expert should be well qualified to give a medical opinion, and is therefore

board certified in the relevant field of medicine. National Medical Consultants, PC represents a panel of over 1100 distinguished specialists in all areas of medicine from some of the finest institutions in the country including Yale, Einstein, UCLA, and Stanford. They are all board certified, active in medical practice, and many are published in medical journals. If, after a thorough review of the pertinent medical records, the medical expert concludes "with reasonable medical certainty that the action or inaction of the defendant physician was the cause of damage to the plaintiff," it is appropriate to file suit against the physician/hospital. Filing suit begins the legal advocacy process which may cover a period of several years. During this period both parties exchange a series of documents. In the first stage, the legal pleading stage, the parties set forth with precision their legal theories. In the second stage called, the discovery stage, the facts to support the various legal theories are developed. If the parties are not able to resolve their differences the case, now in its third stage, will go to trial before a judge and jury. National Medical Consultants specializes in providing both the plaintiffs and defense attorneys in medical malpractice cases with highly qualified physicians to offer expert opinions and testify at medical malpractice trials. This results in saving the attorney time and money pursuing cases that have no deviation from standards of good medical practice. In addition we can assist your firm in evaluating medical product liability issues.