

MEDICAL MALPRACTICE LAW

KNOW YOUR
RIGHTS

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BEACHLER
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CAROSELLI BEACHLER & COLEMAN, LLC

Since 1972, Caroselli Beachler & Coleman, has represented injured people and their families in accident, injury, and death claims, as well as a broad range of social security and employment issues. We serve all communities in Pennsylvania and offer local appointments when needed. Our practice areas include:

- **Asbestos Cancers**
- **Mesothelioma**
- **Workers' Compensation**
- **Auto & Motorcycle Accidents**
- **Defective Products**
- **Medical Malpractice**
- **Social Security Disability**
- **Insurance Bad Faith**
- **Oil and Gas Landowner**

We work on a contingent fee basis; in most cases, there is no fee for lawyers' services unless we recover on behalf of the client

***In some cases, however, certain expenses may apply.**

About Medical Malpractice Claims


When we become sick or injured, we trust that the hospitals and physicians we turn to can help. Most of the time, they do. Unfortunately, the health care professionals in whom we place our trust are not without fault; they make mistakes which may result in disability, suffering, or even the death of a patient. When these unfortunate circumstances happen, Caroselli Beachler & Coleman may be able to assist you in filing a claim.

Q & A: Medical Malpractice Law

What is medical malpractice? Medical malpractice is negligence by hospitals, physicians, or other healthcare providers. Negligence occurs when a healthcare provider fails to provide care at an acceptable level, and as a result, the patient is injured. The acceptable level is called the “standard of care.” That standard is relative to the specialty of the healthcare provider. This means that professionals are expected to act and treat patients the same as others who practice in the same specialty or field of medicine. The failure to do so results in a “breach of duty.” If this breach causes injury to the patient, then medical negligence has occurred.

Is a bad result alone enough to prove negligence? No. Sometimes patients are injured or procedures fail, even though the doctor acts within the accepted standard of care. This is not negligence, not every bad outcome is the result of medical malpractice. That is why it is important to contact an attorney who concentrates in medical malpractice and who can examine your case. An attorney can help you determine whether or not you have been a victim of medical negligence and if so, how you should proceed.

What will my attorney need to evaluate my case? Our firm needs the medical records from your doctor or hospital that pertain to the incident in question.



It is helpful if you bring these with you when you talk to one of our attorneys about your case. However, if you are unable to obtain your records before meeting with us, they can be obtained at a later date. If you kept a personal record of the events as they occurred, you should also bring that with you for our attorney to review.

What happens if my attorney thinks I have a claim?

After you have explained the circumstances surrounding your claim to our attorney, we will examine your records and compare the actions of the doctor, hospital, and other health care personnel with what is considered acceptable under similar circumstances. If it appears that their actions deviated from the accepted standard of care, your records will be sent to an expert for review. If the expert finds that medical negligence is the cause of the injury or death, a claim will be filed on your behalf.

Why do I need an expert?

Pennsylvania law requires medical expert testimony in support of your medical malpractice claim. The expert must state that he or she believes within a reasonable degree of medical certainty that the physician in question deviated from the standard of care and that the deviation caused the harm and damages. Without a medical expert's opinion, your claim cannot be filed.

Q & A Continued

What can I expect to recover? Awards are for money damages. The amount is usually limited to compensatory damages, which compensate you for the economic loss, physical loss, and pain and suffering associated with your injury.

If the negligence causes death, the estate may bring a survival action. This allows for recovery of those damages from the time of injury to the time of death, as well as economic losses to the estate. Dependents may also bring a wrongful death action, which allows for the loss of support and companionship, resulting from the death of a spouse or parent.

How soon may I expect to recover damages from my injury? The pursuit of a medical malpractice claim can be a lengthy process, usually not settled or tried within two years. Often it takes longer, because it takes time to gather evidence, depose witnesses, and for the court to set a trial date.

How long do I have to file my claim? In every type of claim there is a statute of limitations for filing. For medical malpractice claims, the statute of limitations is generally two years from when the injury occurred. If you do not file a claim against the healthcare provider within those two years, you are maybe barred from making a claim.



Am I responsible for the cost of litigation?

The firm handles agreements for costs on a case by case basis. You may be asked to be responsible for the cost of the initial review of your case by an expert as well as the cost of obtaining medical records. After that, all of the costs of litigation are advanced by the firm. If we recover damages for you, the costs advanced by the firm are deducted from any award you receive, in addition to the fee. You do not owe the firm a fee or repayment of costs if there is no recovery.

What is the attorney fee that is charged?

There is no charge for meeting with an attorney to discuss your case. Every client whose case is accepted by the firm enters into a written fee agreement that sets forth the contingent fee and the arrangements for payment of costs. Medical negligence cases are generally accepted on a 40% contingent fee basis, which means that the firm only receives a fee if damages are recovered on your behalf.

About this brochure

The information in this brochure is intended to provide you with a basic understanding of medical malpractice and the legal aspects of filing a claim. It is not a substitute for a legal consultation. If you or a loved one think you have suffered an injury as a result of medical malpractice, please contact an attorney in our office.

Tips to Prevent Medical Errors

While there are no guarantees against mistakes being made during the course of your healthcare, there are measures you can take to help protect yourself. The Agency for Healthcare Research and Quality has issued the following sixteen tips to help you prevent medical errors from occurring:

- 1) Be an active member of your healthcare team. Patients who are more involved with their own healthcare tend to get better results.
- 2) Make sure all of your doctors know about everything you are taking. This includes prescription and over-the counter medicines, and dietary supplements, such as vitamins and herbs.
- 3) Make sure your doctor knows about allergies and reactions you've had to medication.
- 4) When your doctor writes you a prescription, make sure you can read it.
- 5) Ask for information about your medicines in terms you can understand: What is the medicine for? How am I supposed to take it, and for how long? What are the side effects?
- 6) When you pick up your medicine from the pharmacy, ask: is this the medicine my doctor prescribed? Make sure it is.
- 7) If you have any questions about the directions on your medicine labels, ask for clarification. Does "four doses daily" mean a dose every six hours around the clock or just during regular waking hours?



- 8) Ask your pharmacist for the best device to measure your liquid medicine.
- 9) Ask for written information about the side effects of your medication.
- 10) If you are in a hospital, consider asking all healthcare workers who have direct contact with you if they have washed their hands.
- 11) If you have a choice, choose a hospital at which many patients have had the procedure or surgery you need.
- 12) When you are being discharged from the hospital, ask your doctor to explain the treatment plan you will use at home.
- 13) If you are having surgery, make sure you, your doctor and your surgeon all agree and are clear on what will be done.
- 14) Speak up if you have questions or concerns.
- 15) Make sure that someone, such as your personal doctor, is in charge of your care if you have multiple health problems or if you are in a hospital.
- 16) Make sure all health professionals involved in your care have the necessary health information.



Important Information for Your Attorney
(Please fill out this page before calling)

Date of incident:

Where the incident took place:

Brief description of what happened:

Names of physicians or nurses involved:

Names, addresses, & phone numbers of subsequent
treating physicians:

Caroselli Beachler & Coleman, LLC
Practice Areas

Asbestos Cancers
Mesothelioma
Workers' Compensation
Auto & Motorcycle Accidents
Defective Products
Medical Malpractice
Social Security Disability
Insurance Bad Faith
Oil and Gas Landowner

For more information on:

Medical Malpractice
www.pittsburghmedicalmalpractice.com

Asbestos Diseases
www.asbestosdiseasesattorney.com



Caroselli Beachler & Coleman, LLC
20 Stanwix Street, Suite 700
Pittsburgh, PA 15222-4802
Phone 412-391-9860
Toll Free 1-800-222-8816
Fax 412-391-7453

www.cbmclaw.com

