

MEDICAL MALPRACTICE

IF YOU ARE A VICTIM OF MEDICAL MALPRACTICE



SAFETY FIRST

- You or a family member should obtain the names and titles of all medical staff at the hospital or doctor's office where you believe you were not properly cared for.
- Document in writing your complaints for yourself and if an error or departure from good and accepted medical practice has occurred submit your complaint to the Hospital Patient Advocate or memorialize the complaint in writing to the doctor. For example, if you had surgery on an incorrect body part, file a complaint in writing with the hospital.
- Never sign a Discharge Summary or other paperwork that contains incorrect information.
- Note the identity and contact information of any person claiming to have witnessed the events of malpractice. If possible get them to write down on a piece of paper what was done wrong so that you can "show it to your private physician."
- Obtain a complete copy of your hospital and medical records including all diagnostic films to avoid delay in having your case evaluated.
- Seek immediate medical attention for your injuries caused by the incompetent medical care. Seek competent medical care from other physicians who can treat your condition properly and document the errors of prior

physicians. In your patient intake forms you should document your complaints about yourself or your family member who has been improperly cared for if they cannot write the information themselves.

- Ask staff at the hospital or doctor's office if the complaints you have are common and if other patients are similarly mistreated or not cared for properly. If so document the identity of the persons confirming the complaints. Get names of other patients who have similar complaints.
- Keep copies of all billing records and obtain a copy of your complete hospital or doctor's bill to confirm what treatment was provided to you and what was billed for because there may be inconsistencies in the billing entries.
- Seek immediate medical attention for your injuries. Often insurance companies will disclaim responsibility for injuries when they are not properly reported, documented or treated.
- File a complaint with the New York State Department of Health or the Office of Professional Medical Conduct documenting the medical malpractice if the same is clear. Contact someone to assist you in filing out the paperwork if you are not sure of the terminology and the nature of the error committed by the doctor or health care provider.

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