

What is malpractice?

A patient who has been injured must prove four things:

Medical malpractice is “professional negligence” defined as a departure from the standard of care causing an injury to a patient. Because standard of care is a flexible, nebulous concept, it is not always clear whether malpractice has been committed.

- The physician owed the patient a duty to use care;
- The treating physician departed from the standard of care;
- The departure caused the patient to suffer injury;
- An injury actually occurred.