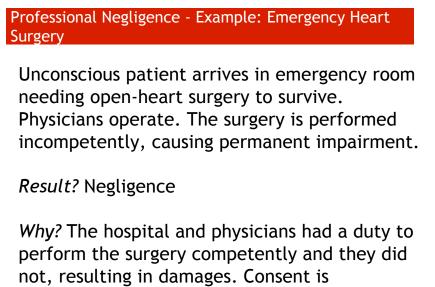




Patient gives permission to surgeon to operate on left ear. While patient is under anesthetic, surgeon decides to operate on right ear. Right ear is made better.

Result? No negligence

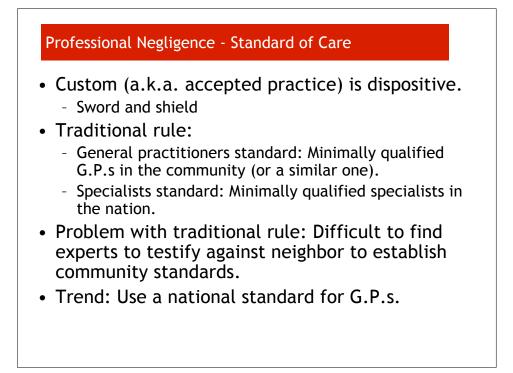
Why? No damages. A prima facie case for negligence requires damages.



irrelevant.

Professional Negligence - Key Points

- The standard of care is dictated by custom.
- Good results are not guaranteed.
- New physicians are judged by the same standard as experienced physicians.
- Can result from negligent diagnosis or treatment.
- Must cause damages.
- Many states have statutory reforms or limitations.



Professional Negligence - Statutory Reforms & Restrictions

- Caps on pain-and-suffering damages.
- Threshold determinations of merit by panel or administrative before lawsuit can go forward.
- ERISA, a federal statute, effectively bars most lawsuits against insurance companies for wrongful denial of coverage.
 - Damages are limited to cost of denied benefit.
 - Only applies to employer-provided insurance.