



**CONOR
McLAUGHLIN**

Fado, Fado, prior to English Rule, Ireland had its own indigenous legal System which dated from Celtic times and survived until in or around the 17th century known as Brehon law.

Brehon law had developed from customs which had been passed on orally from one generation to the next. Under the Brehon law system three things confer nemed-status on a physician: a complete cure, leaving no blemish, and a painless examination. These are quite obviously the ideal in terms of standards.

Nowadays, Medical Negligence* is a term used to describe a set of circumstances where a party sustains an injury as a result of an error made by a medical practitioner such as a Doctor or Dentist. While it is true to say that most medical professionals are competent and carry out many successful operations on a daily basis, errors do occur.

Medical Negligence

INTRODUCTION

Medical negligence has been affected by recent legal regulation making it a complex topic of Irish law. For any plaintiff taking a claim for medical negligence proving the negligence of a medical practitioner is vital. Therefore, speaking to a Medical Negligence Solicitor is important so that all necessary steps are taken. A Medical Negligence Solicitor should understand the upset and impact to both private and professional life that suffering an injury causes and should help the injured party through that experience.

While compensation may not totally undo the damage caused it will go some way to ease the financial & physical losses and emotional distress of the injured party. If it is proved that a Medical Practitioner acted in a negligent manner and failed to show a reasonable level of care, then they may be found liable. Examples of negligence may include failing to carry out proper

If people understood that doctors weren't divine, perhaps the odour of malpractice might diminish

**Richard Selzer,
American Author**

assessment, mistakes during surgery, incorrect test results, substandard care during and after surgery, anaesthesia mistakes and misdiagnosis of an illness. Further examples of Medical negligence might include Dentist Negligence, Pharmacy Negligence, Cosmetic Negligence or Negligence in Hospitals.

STATUTE OF LIMITATIONS

The legal time limit or statute of limitations for a Medical Negligence case is 2 years from (i) the date of the injury, or (ii) the date of knowledge of the injury. The date of knowledge of the injury is significant as in some cases an injured party may not realise they are injured until after the injury has occurred. It is important to note that your case is likely to fail if brought forward after this period.

DENTIST NEGLIGENCE

Dentists are recognised as Medical Practitioners by virtue of the Medical Practitioners Act 2017. Dentists are obliged to practice to the highest standards. A claim against a Dentist may arise when a person suffers an injury to their teeth as a result of negligence or malpractice on the part of the Dentist.

PHARMACY NEGLIGENCE

In many cases General Practitioners will prescribe a patient with the relevant medication in order to bring

a certain condition under control or to cure an illness.

It is a normal process to visit your GP during a time of sickness where you are prescribed a certain medication to fight illness. Prescription errors can occur in terms of the correct medicine or the correct dosage. These errors can lead to severe consequences and side effects.

MISDIAGNOSIS

As a patient you normally have a deep trust in the expertise of your Doctor to deliver the correct diagnosis. Despite this there are instances where a doctor may give a misdiagnosis or perhaps negligently delay the diagnosis leading to complications. If a diagnosis is delayed, then this may have an impact on the effectiveness of treatments which could result in needless pain and suffering, prolonged illness and perhaps a complete failure of recovery. Where the above has occurred a patient may be entitled to pursue a claim for medical negligence or malpractice.

COSMETIC NEGLIGENCE

Cosmetic and Plastic Surgery have become very popular in Ireland amongst men and women alike over recent years. Cosmetic surgery like all surgery is not to be taken lightly, in particular when it comes to changes to one's appearance. In some cases, Cosmetic



**MCMORROW &
MCLAUGHLIN
SOLICITORS**

Surgery may be necessary to correct a damaged part of the body through reconstructive surgery. In other cases, it may have a benefit to one's self-confidence. Regardless of the motives behind cosmetic surgery a party should not have to worry about medical negligence.

It should be noted that plastic surgeons are considered specialists, while any doctor in Ireland may call themselves a cosmetic surgeon. It is highly advisable that before choosing a cosmetic or plastic surgeon you check with the Medical Council of Ireland to see if they are a registered specialist.

NEGLECT IN HOSPITALS

Hospital negligence claims are a form of Medical negligence. In many cases errors occur in the emergency room. Examples of medical negligence are failure to diagnose an illness or the making of incorrect

decisions. Negligence may arise with inexperienced surgeons, errors due to stress levels or lack of necessary resources. Apart from surgeons, medical negligence may occur as a result of the negligence of Radiologists, Technicians or Administrators.

CONCLUSION

It is highly advisable that a Claimant obtains legal advice prior to making any claim for any aspect of medical negligence. At McMorrow & McLaughlin Solicitors our experienced Solicitors will guide you in enforcing your rights with respect to medical negligence. We have the knowledge and experience to advise on all aspects of Medical Negligence Litigation.

**In contentious business, a solicitor may not calculate fees or charges as a percentage or proportion of any award or settlement.*

The above article is one of a series of bi-monthly legal articles drafted by Conor McLaughlin, Solicitor and Principal at McMorrow & McLaughlin Solicitors. They do not constitute legal advice and should not be acted upon without seeking legal advice particular to your set of circumstances. McMorrow & McLaughlin Solicitors have offices in Letterkenny and Bundoran, County Donegal. For further information on the above or any other legal issues you may have, please contact us on TEL: 071 984 1322, Email: info@cmlsolicitors.com or at www.cmlsolicitors.com