

September 26, 2013 /**24-7PressRelease**/ -- Medical malpractice basics in Tennessee

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As a general rule, people seeking medical treatment in our country receive a high level of care; however, doctors, nurses and other medical professionals are human, so they sometimes make mistakes. Unfortunately, in the event of a medical error, serious personal injury, disability or even death can occur all too easily. When a medical mistake is made, patients have the right to seek recourse and should understand the parameters for doing so.

The numbers tell the story

Tennessee state data outlines 2011 statistics for medical malpractice lawsuits throughout all Tennessee Counties, including Sevier County, and indicates that a very small percentage of such cases end up in the courtroom. Half of all statewide claims in 2011 were closed, .06 percent of claims were resolved through a settlement and only .024 percent were resolved through a judgment. More than 41 percent were resolved through mediation or some other method.

Payouts for medical malpractice suits in Tennessee for the year 2011 saw \$1,536,349 paid out as a result of judgments, \$57,414,009 paid out as a result of settlements, and \$54,955,838 paid out as a result of mediation or arbitration.

More than 70 percent of claims filed in 2011 were related to problems with surgeries, diagnosis or treatments, in that order. Another 25 percent were related to patient monitoring, obstetrics or medications.

Financial caps on awards

Tennessee laws limit the payouts for any non-economic damage, such as pain and suffering, to \$750,000 in most claims. For claims identified as "catastrophic", the limit is \$1,000,000. A catastrophic medical malpractice claim involves:-Loss of both hands, both feet or one hand and

one foot-Third degree burns over more than 40 percent of a person's body-Paraplegia or quadriplegia resulting from spinal cord injuries-Wrongful death

Financial caps do not apply in any situation if the defendant is found to have harmed the person intentionally, to have lied about the error in order to avoid being caught or was functioning under the influence of drugs or alcohol.

Tennessee statute of limitations

Whether an injury or a wrongful death, the state of Tennessee limits the amount of time in which a medical malpractice case can be filed. In most situations, a claim must be filed one year from the date of the malpractice event. In some instances, action may be taken within one year from the date that the injury is first discovered, but no later than three years from the date that the original malpractice occurred, except for instances of any foreign objects left in a patient's body. This article does not address the statutes related to minors and persons of unsound mind.

As you can see, there is very little time to act if you believe that you or a family member has been injured by a medical mistake. You should consult with an attorney experienced in handling these types of cases immediately if you find yourself in this unfortunate situation.