

The quantification of the damage from medical malpractice

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Causation, the premise of quantum Each

In the area of responsibility for health, and in civil, is the wide spectrum of damages recoverable. On the one hand, the rights to health, physical and mental integrity and determination are in fact guaranteed by the Constitution, on the other fallibility is Inherent in human nature and, Therefore, Potentially Harmful Numerous events in medicine are, ranging from 'diagnostic error , To That type of therapy, the surgery, That, again, related to breach of the duty to inform. The individual doctor, the ITS team possible, examination at the hospital where the professional exercise, as an employee or not, Their work, of course May Be Accused of malpractice, or negligent conduct, reckless or incompetent, and Become the subject Demands for damages by the Alleged victims, and not primary, the malpractice. Increasingly frequent, indeed, the legal proceedings are instituted for the physician's professional responsibility, and indeed the last decade the number of claims reported in this area has more than tripled. The actual determination of the Responsibilities of medical and health before Also, of course, the actual refundability of the offense and, Therefore, the quantification of the amounts to be Allocated to the victims of the injury suffered to rest. I know, everything is preliminary verification of the Existence of a causal link Between tort and damage Relevant legal terms. In this regard, A Few years ago the Supreme Court of Cassation (with the notes n.21619/07 Judgement, filed on October 16) denied a causal connection Between the Criminal and Civil Matters and has Identified a method of finding causal in the field of liability, very special, known as "rule more Likely than not." According to the homes of Legitimacy, in practice, the court is Called upon to verify the causal link Between medical conduct and damaging event, is required to legally operate in selection of appropriate choices in a Given historical moment, and can not be bound to Thereforeto expertmere formula, nor can it transform the test case as to the Existence of causal relationship in a matter of investigation (only) scientific outright

entrusted to the consultant physician. Then, Following That reasoning, can not be held culpable the decision of a judge, "with reasonable grounds and supported by Extensive grounds, it Considered" more Likely than not "the Existence of a

causal relationship Between health behaviors and injuries suffered by the victim , Despi the technical consultants will not be Expressed in terms Merely ediate, but Also indirect and direct) Placed in a logical sequence with the possible respossibilistici percentualizzare best outcome "of a different treatment. So, in summary, the investigation of the causal link, Whose Livelihood is unavoidable for the declaration of liability (Whether in contract, it is well to remember this) the physician and / or nurse, based on three distinct conceptual categories: a) the "near certainty", ie a high degree of rational credibility b) the "relative probability", c) the "Possibility". Will be short, all compensable damages (direct and immetct to a Given Event (the failure of the physician required, the source of the offense) They find iin Which, then, home.

By Network Person and Damage
