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PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

Illinois Wrongful Death Attorneys: Doctor Patient Privilege

6/14/2010

The issue of doctor-patient privilege often complicates [wrongful death](#) cases. Confidentiality between a doctor and patient is generally strictly enforced unless the patient waives privilege. If a patient dies without waiving confidentiality, the privilege may remain in tact. Without medical records, it can be very difficult to prove a wrongful death case. It's important to hire an experienced wrongful death attorney to help you secure all necessary evidence and prove your case.

Obtaining Medical Records for a Wrongful Death Case

Doctor-patient privilege exists to protect patients from public scrutiny of information shared for medical purposes. If a patient dies, however, his or her medical records may be essential to a wrongful death lawsuit. Who is permitted to waive doctor-patient privilege on behalf of the decedent varies from state to state. In most cases, however, the personal representative for the decedent (spouse, parent or child) may waive confidentiality. Doctors and hospitals often dispute waiving privilege particularly if [medical malpractice](#) is possible.

In some cases, a personal injury lawsuit can be filed in addition to a wrongful death lawsuit for the decedent's pain and suffering prior to death. Filing a [personal injury](#) or wrongful death lawsuit (or even just threatening one) may be enough to get doctor-patient privilege waived. Because the records are to be used in a legal action, they can be compelled by operation of law. In these cases, the medical records are usually central pieces to establishing the plaintiff's case.

Have a qualified lawyer working on your behalf can remove the barrier of doctor-patient privilege. The attorneys at [Ankin Law Office](#) are experienced in handling a wide variety of wrongful death cases and navigating the complex legal system. [Our attorneys](#) work closely with



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clients during this difficult time and help make the process of seeking compensation as smooth as possible. [Contact us](#) today to discuss your case at a free consultation.