

Malpractice: What Is It?

The legal term of malpractice is often subject to numerous misunderstandings, and thus required to be explained in details so that the majority of people will be able to distinguish a malpractice case from other types of mistake case. Malpractice is pervasive and can affect anyone. Therefore it is essential to have a full understanding in order to know what to do in such case. What is malpractice? In the field of law, malpractice refers to the situation when a professional is proved to have failed to use proper levels of care, skill or diligence in the performance of its professional activities causing harm to its patient or customers. Generally, a professional can be accused of malpractice if he fails to perform his or her professional duties in an assignment, such as an operation or simple check-up, he or she has accepted at the standard level of care, skill and learning normally that one can expect from the average careful renowned member of the profession in the community. Behind this legal jargon, one has to understand that the performance of the professional will be compared to the performance standards of other professionals in the same field in the same geographic area. In brief, if the professional is performing poorer than his colleagues, he will be considered to have failed delivering a proper service and thus can be accused of malpractice. However, a patient or customer, who wants to take action against a professional, has to prove that he suffered an injury, a loss or a damage following the failure of the professional to perform properly his or her duties. People entitled to benefit from or rely upon the professional's services can also take action against a professional. Who can be accountable of malpractice? Often, malpractice is associated to medical wrongdoings. But any professional delivering services using specific skills and who is licensed or regulated by the state can commit malpractice. Therefore attorneys, accountants or surgeons can all be accused of a malpractice action. Other professionals cannot be held for malpractice but for negligence.

About the Author

Professional organisation for rural medical education and training, with membership and staff details, and information on grants.

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