Medical Malpractice: Guilty or Not Guilty?

Medical malpractice is a controversial issue that has an invert effect on health care professional. According to the text, “Malpractice is the negligence or carelessness of a professional person (Pozgar, 2015)”. Medical malpractices includes the misdiagnosis, errors or mistakes involving the administration of medicine which may result in harm or injury. In a trial, a health professional can be cleared of all wrongdoings under the law of any state or country in which the person is adjudicated. This verdict may be dependent on numerous factors such as lack of substantial evidence, witnesses and other factors to prove the case. The jurors make their decision based on the evidence provided. If there is a lack of burden on the plaintiff side then the medical professional can be found not guilty. This argument stipulates that if a health care professional is found “not guilty” in a medical malpractice trial, is he or she is not cleared of any wrongdoing because they might be ethically guilty of malpractices.

There are several actions that can be considered a medical malpractice under the ethical principles that govern the medical profession. Medical malpractice is not necessarily seen as a breach of contract between doctors and patients. It is however considered to be a non-criminal wrongful act. Medical malpractice can attract judicial penalties only if it falls under certain criteria. These criteria include: the doctor has not met the basic standard of healthcare, there are inappropriate relationships between doctor and patient and the patient has sustained injuries that warrant compensation. Outside of these, a doctor cannot be charged of medical malpractice.