Negligence and Malpractice

Negligence is the lack of proper care and attention that a reasonable person owes to another person under the circumstances. Any person can be liable for negligence if a duty of care is breached and the person is physically harmed. Malpractice is a form of negligence; however, it pertains particularly to medical personnel. Medical professionals can be liable for malpractice if they do not follow the standard of care, they fail to communicate valuable information, fail to document properly, fail to assess and monitor a patient, or inappropriately delegate a task.



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Failure to Provide Acceptable Care
Fail-stamp and Care-bear
Negligence is the lack of proper care and attention. It is considered below the commonly accepted standard of care that a reasonable person owes to another person under the circumstances.

Anyone Can be Liable
Lion-bill
Negligence is not a term solely used for people in the medical field; anyone can be liable for negligence. A person who texts while driving and gets into a car accident could be criminally negligent.

Did Not Carry Out Duty and Patient Was Injured
Injured Patient
Criteria to establish medical malpractice include; the existence of a professional medical relationship, the medical professional did not carry out the duty, the patient was injured/harmed, and the harm resulted in damages (Examples of this are chronic pain, death, inability to go back to work).

Must Be a Professional
Professional-suit
Malpractice is a form of negligence but is specific to medical professionals.

Not Following Standard of Care
Not Following Standard Care-bear
Not following the standard of care is a common cause of malpractice against nurses. Standards of care are the appropriate consideration you should expect from your healthcare provider. Examples of a breach in the standard of care would include not implementing a fall prevention protocol.

Failure to Communicate
Fail-sign Phone
Failing to communicate is another high-risk area for malpractice. If a health care worker fails to share important patient information with another health care provider and the patient endures an injury as a result of the lack of communication, the nurse could be held liable for malpractice. It is important to communicate with your patients and explain all the tests, treatments, medications and listen to any patient concerns.

Failure to Document
Fail-sign Document
Documentation is one of the most important duties of a nurse. It is crucial that the nurse documents any significant changes in the patient's conditions and any implemented treatments performed in a timely manner. This documentation acts as an essential communication tool to share important information among the healthcare team members. If provided care or an assessment is not documented, it is viewed as not being performed.

Failure to Assess and Monitor Patient
Fail-sign Assess-man with Monitor and Patient
Assessing and monitoring a patient can provide a nurse with vital clues regarding the patient's health. Assessing their vitals, pain, and symptoms can allow a nurse to focus on specific patient health concerns that may require further monitoring and investigation. Any lack of assessment or monitoring that results in

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patient harm can be considered malpractice.

Improper Delegation

Improper Delegations Thrown in the Air

Delegation is another essential and common nursing task. The nurse delegating must be familiar with the tasks that are appropriate to delegate and who the tasks can be delegated to. If the nurse fails to delegate responsibilities appropriately, the patient could be harmed, and the delegating nurse could be liable for malpractice.

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