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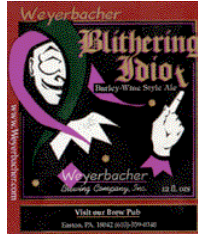
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Flea

One Pediatrician's Perspective

Monday, May 29, 2006

Negligent, Careless, and Unskillful

It occurs to me that many of you have never seen a Plaintiff's Complaint. This document alerts the physician that he is being sued for malpractice. What follows are excerpts from a complaint that I received at 8:45 one morning in September 2002, 2 months after opening my new practice.

"Count I.

...5 On or about X-date, the decedent's mother submitted herself to the care and treatment of the defendant, Dr. Flea, who negligently and carelessly and without regard for the health and well-being of the plaintiff's decedent and his mother, treated the plaintiff's decedent and his mother in a manner which resulted in XY's death on XY-date.

6. The death of XY and the damage to his estate, including, but not limited to his funeral and burial expenses, are the direct and proximate result of the carelessness, unskillfulness, negligence and improper care and treatment by the defendant, Dr. Flea, including but not limited to the following:

- a. his misrepresentations to the plaintiff's decedent's mother that he was knowledgeable, skillful and competent to diagnose and treat the plaintiff's decedent and his mother on or about X-date;
- b. his failure to adequately and properly diagnose the medical condition of the plaintiff's decedent and his mother on or about X-date, and his failure to properly treat said condition;
- c. his failure to recognize, or to have the knowledge to recognize his inability and lack of skill to treat the plaintiff's decedent and his mother, when he knew or should have known of the foreseeable consequences of his inability and failure to properly and skillfully provide the plaintiff's decedent and his mother with acceptable medical care and treatment;
- d. his failure to possess and exercise that degree of skill, training and care as is possessed and exercised by the average qualified members of the medical profession practicing his specialty.
- e. his failure to inform and to warn of the risks involved in or associated with the plaintiff's decedent's condition and that of his mother and failure to inform and to warn about the treatment of said condition.

7. As a direct and proximate result of the defendant, Dr. Flea's negligence, carelessness, and unskillfulness, XY suffered from a premature and preventable death."

When I was done reading, I was quite sure I was being indicted for manslaughter. I called my lawyer immediately and asked him what this meant.

"It means you're being sued for malpractice", he replied matter-of-factly, "you should call your malpractice carrier and tell them."

"I have a patient waiting!" It was past 9 by now.

"Go see your patient, then call your carrier".

After we hung up, I closed the complaint in my top desk drawer, got up, and went in to see the first patient of the day.

I am certain that curiosity will be aroused as to the particulars of this case. For the moment, I hope it will suffice to say that I am neither careless, nor unskillful, nor negligent. In order to prove a "failure to diagnose" case in pediatrics, the plaintiff's attorney will need to convince a jury that the flea is an idiot.

Posted by Flea at 12:22 PM

Labels: malpractice

54 comments:

Dreaming again said...

I'm sorry Flea.

We live in a world of people who want blame to lay somewhere. Someone has to be responsible ...and the reality is ..sometimes, life just sucks. Bad things happen to good people, including precious little children ...to no fault of anyone, not the parents, not the children, not the doctors.

But our letigious (sp?) society has led us to believe that someone MUST take responsibility.

I'm sorry, and my prayers are with you and the whole situation.

[Tue May 30, 08:14:00 AM EDT](#)

Moof said...

I've got butterflies in my stomach from reading that. I can't imagine what you were feeling like - *two months* into your own practice.

On the edge of my seat, Dr. Flea ... waiting for the rest ...

[Tue May 30, 08:15:00 AM EDT](#)

Pattie said...

That must feel like a swift kick in the stomach.

I can't imagine receiving a letter like that, then having to see patients right after. It's just awful.

Luckily, I feel pretty confident the plaintiff's attorney will not be able to prove you are an "idiot"...case closed. Good Luck.

[Tue May 30, 08:34:00 AM EDT](#)

About Me



Flea

Flea is a pediatrician in solo practice in the Northeast U.S.

[View my complete profile](#)

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