

Rising Cases of Medical Negligence in Health Care Organizations: A Health Hazard

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ABSTRACT

A physician or health care practitioner may be held legally responsible for harming a patient when they violate professional standards by a careless act or omission. This is known as medical negligence. Erroneous diagnosis, wrongful treatment, follow-up care, or management of health might be the basis of the carelessness. In cases of medical malpractice, three elements are frequently present. First, it must be shown that the medical care did not meet the recognised standard of care, which is the level of care that the profession has agreed upon and accepted. Second, it must be shown that the negligence caused some kind of injury to the patient. In other words, negligence or an act of carelessness that causes no harms cannot be considered malpractice. The third requirement is that it must be shown that the injury resulted in significant damages, such as disability, job loss, hardship, suffering, extreme pain or a significant financial burden from medical bills. The paper seeks to classify the instances of medical negligence on the part of health care professionals. The paper explains the principle of 'informed consent' in various cases of medical negligence. A number of case-laws related to medical malpractices have been discussed in the paper outlining the surge in such cases.

Keywords: *medical negligence, doctors, hospitals, laws, health.*

Introduction

The phrase “medical negligence” combines two terms. The second term alone adequately captures the idea of negligence, which means an action done without care by an individual that causes another person to suffer predictable losses. The **Law of Tort, Indian Penal Code, 1872, Indian Contract Act, 1986, Consumer Protection Act, 1986** and many other laws define negligence as a crime.

Medical negligence, in its simplest form, refers to conduct by a medical professional or doctor that results in a breach of their obligations and injury to the patients who are

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