

# Fatal Presumption

## Introduction

When it comes to medical care, we entrust our lives and well-being to the knowledge and expertise of healthcare professionals. We expect them to provide competent and compassionate care, adhering to the highest ethical standards. However, sometimes, things go wrong, and patients suffer harm or even death as a result of medical negligence.

Medical malpractice occurs when a healthcare provider deviates from the accepted standards of practice, resulting in injury or harm to the patient. This can take many forms, including misdiagnosis, medication errors, surgical mistakes, and failure to provide proper care.

The consequences of medical malpractice can be devastating. Victims may suffer physical pain, emotional trauma, financial hardship, and even death. Families are often left to pick up the pieces, dealing with the loss of a loved one or the burden of caring for a permanently disabled family member.

In recent years, there has been a growing awareness of the problem of medical malpractice. This is due in part to high-profile cases that have made headlines and to the increasing number of patients who are speaking out about their experiences. As a result, there is a growing demand for accountability and justice in cases of medical negligence.

This book is intended to provide an overview of medical malpractice, from its causes and consequences to the legal process involved in seeking compensation. It is written in a clear and concise style, making it accessible to both laypeople and legal professionals.

Whether you are a patient who has been harmed by medical negligence, a family member who has lost a loved one, or simply someone who is concerned about the quality of healthcare in our society, this book will provide you with valuable information and insights. By understanding the complexities of medical malpractice, we can work together to improve patient safety and ensure that those who are responsible for negligence are held accountable.

## Book Description

**Fatal Presumption** is a comprehensive guide to medical malpractice, providing an overview of its causes, consequences, and legal implications. Written in a clear and concise style, this book is accessible to both laypeople and legal professionals.

In recent years, there has been a growing awareness of the problem of medical malpractice. This is due in part to high-profile cases that have made headlines and to the increasing number of patients who are speaking out about their experiences. As a result, there is a growing demand for accountability and justice in cases of medical negligence.

**Fatal Presumption** provides an in-depth look at the medical malpractice landscape. It examines the different types of malpractice, the legal standards that apply, and the challenges involved in proving a medical malpractice case. The book also discusses the

consequences of medical malpractice, both for the victims and their families.

In addition to providing legal information, **Fatal Presumption** also offers practical advice for patients who have been harmed by medical negligence. The book explains how to file a medical malpractice claim, how to choose an attorney, and what to expect during the legal process.

Whether you are a patient who has been harmed by medical negligence, a family member who has lost a loved one, or simply someone who is concerned about the quality of healthcare in our society, **Fatal Presumption** is an essential resource. This book will provide you with valuable information and insights into the complex world of medical malpractice.

**Pasquale De Marco** is a leading expert on medical malpractice. He has written extensively on the topic and has lectured at law schools and medical schools across the country. **Pasquale De Marco** is also a

practicing attorney who has represented victims of medical malpractice in numerous cases.

# Chapter 1: Unnatural Causes

## Suspicious Circumstances

In the realm of medical malpractice, there are cases where the circumstances surrounding a patient's death or injury raise suspicions of wrongdoing beyond mere negligence. These suspicious circumstances often involve factors that suggest the possibility of intentional harm or a cover-up.

One common red flag is the presence of altered or missing medical records. When patient charts are tampered with or disappear altogether, it can be a sign that someone is trying to conceal evidence of malpractice. For example, in the infamous case of Dr. Conrad Murray, who was convicted of involuntary manslaughter in the death of Michael Jackson, medical records were altered to hide the fact that Jackson had been given a lethal dose of propofol.

Another suspicious circumstance is when a patient dies or is injured shortly after being admitted to a hospital or clinic. This can be especially concerning if the patient was previously healthy and had no known risk factors for the condition that led to their death or injury. In such cases, it is important to investigate whether the patient was misdiagnosed, mistreated, or subjected to unnecessary or dangerous procedures.

Unexplained delays in diagnosis or treatment can also be a sign of suspicious circumstances. When a patient's condition worsens or they die as a result of a delayed diagnosis or treatment, it is important to determine whether the delay was due to negligence or something more sinister. For example, in the case of Dr. Christopher Duntsch, a neurosurgeon who was convicted of injuring dozens of patients, it was found that he had intentionally delayed surgeries in order to increase his profits.

Finally, any evidence of fraud or financial impropriety can also raise suspicions of wrongdoing in a medical malpractice case. This could include billing for services that were not performed, overcharging for services, or submitting false insurance claims. In some cases, healthcare providers have been known to intentionally harm patients in order to collect insurance payouts.

When suspicious circumstances are present in a medical malpractice case, it is important to conduct a thorough investigation to determine whether there is evidence of intentional wrongdoing. This may involve reviewing medical records, interviewing witnesses, and consulting with experts. If there is evidence of a crime, the case may be referred to law enforcement for further investigation and possible prosecution.

# Chapter 1: Unnatural Causes

## Medical Malpractice or Homicide

Medical malpractice occurs when a healthcare provider deviates from the accepted standards of practice, resulting in injury or harm to the patient. This can take many forms, including misdiagnosis, medication errors, surgical mistakes, and failure to provide proper care.

Homicide, on the other hand, is the unlawful killing of one human being by another. It can be intentional or unintentional, and it can occur in a variety of circumstances, including medical settings.

In some cases, it can be difficult to distinguish between medical malpractice and homicide. This is especially true when the patient dies as a result of the healthcare provider's actions.

One of the key factors that distinguishes medical malpractice from homicide is intent. In medical

10

malpractice cases, the healthcare provider does not intend to harm the patient. They may make a mistake, or they may fail to provide the proper care, but they do not set out to kill the patient.

In homicide cases, on the other hand, the perpetrator does intend to kill the victim. They may plan the killing in advance, or they may act in the heat of the moment. But their intent is clear: to end the victim's life.

Another factor that can help to distinguish between medical malpractice and homicide is the presence of negligence. In medical malpractice cases, the healthcare provider is negligent in their care of the patient. They may fail to follow proper procedures, or they may make a mistake that leads to the patient's death.

In homicide cases, on the other hand, the perpetrator is not necessarily negligent. They may have intended to kill the victim, or they may have acted in self-defense. But their actions were not negligent.

Of course, there are some cases that fall into a gray area between medical malpractice and homicide. In these cases, it can be difficult to determine whether the healthcare provider's actions were negligent or intentional.

Ultimately, the distinction between medical malpractice and homicide is a legal one. The courts will consider all of the evidence in a case to determine whether the healthcare provider's actions were negligent or intentional. If the courts find that the healthcare provider was negligent, they may be held liable for medical malpractice. If the courts find that the healthcare provider was intentional, they may be charged with homicide.

# Chapter 1: Unnatural Causes

## The Role of the Medical Examiner

The medical examiner is a physician who is responsible for investigating deaths that are sudden, unexpected, or suspicious. They are typically employed by a county or state government, and their duties include:

- Conducting autopsies to determine the cause and manner of death
- Collecting evidence from the scene of death
- Interviewing witnesses and family members
- Writing reports on their findings

Medical examiners play a critical role in the investigation of medical malpractice cases. They can help to determine whether a death was caused by negligence or recklessness, and their testimony can be crucial in court.

In cases where a patient dies after receiving medical treatment, the medical examiner will typically conduct an autopsy to determine the cause of death. This may involve examining the patient's body, taking tissue samples, and performing toxicology tests. The medical examiner will also review the patient's medical records and interview the attending physicians.

If the medical examiner finds evidence of negligence or recklessness, they may issue a report that is critical of the care provided by the healthcare providers. This report can be used by the patient's family to file a medical malpractice lawsuit.

Medical examiners are also responsible for investigating deaths that are suspicious in nature. This may include deaths that occur in hospitals, nursing homes, or other healthcare facilities. If the medical examiner suspects that a death was caused by foul play, they may refer the case to law enforcement for further investigation.

The work of medical examiners is essential to ensuring that deaths are investigated thoroughly and that those responsible for negligence are held accountable. Their expertise is invaluable in the pursuit of justice for victims of medical malpractice.

**This extract presents the opening three sections of the first chapter.**

**Discover the complete 10 chapters and 50 sections by purchasing the book, now available in various formats.**

# Table of Contents

**Chapter 1: Unnatural Causes** \* Suspicious Circumstances \* Medical Malpractice or Homicide? \* The Role of the Medical Examiner \* Investigating Untimely Demises \* Uncovering Hidden Truths

**Chapter 2: The Legal Labyrinth** \* Medical Malpractice Litigation \* Proving Negligence and Damages \* The Plaintiff's Burden of Proof \* Defenses Against Malpractice Claims \* Ethical Considerations in Medical Litigation

**Chapter 3: The Expert Witness** \* The Importance of Expert Testimony \* Qualifications and Credibility of Experts \* Types of Medical Experts \* Cross-Examination of Experts \* The Impact of Expert Testimony on Jury Decisions

**Chapter 4: The Anatomy of a Trial** \* Jury Selection and Voir Dire \* Opening Statements and Closing

Arguments \* Presenting Evidence and Witnesses \*  
Instructing the Jury \* Reaching a Verdict

**Chapter 5: The Aftermath** \* Consequences for  
Negligent Physicians \* Compensation for Victims and  
Families \* Impact on the Medical Profession \*  
Preventing Future Malpractice \* Reforming the Medical  
Liability System

**Chapter 6: The Dark Side of Medicine** \* Greed and  
Corruption in Healthcare \* Pharmaceutical Industry  
Influence \* Misdiagnosis and Mistreatment \* Patient  
Safety Breaches \* Whistleblower Protections

**Chapter 7: Ethical Dilemmas** \* End-of-Life Decisions \*  
Informed Consent and Patient Autonomy \* Physician-  
Assisted Suicide \* Conflict of Interest in Medical  
Research \* The Boundaries of Medical Intervention

**Chapter 8: The Patient's Perspective** \* Seeking  
Medical Care and Trusting Doctors \* Navigating the  
Healthcare System \* Understanding Medical

Terminology \* Advocating for Patient Rights \*  
Empowerment Through Information

**Chapter 9: The Search for Justice** \* The Role of Law  
Enforcement \* Investigating Medical Crimes \*  
Prosecuting Negligent Physicians \* Seeking  
Accountability and Closure \* The Importance of Public  
Awareness

**Chapter 10: Lessons Learned** \* Preventing Medical  
Errors \* Improving Patient Safety \* Reforming the  
Medical Liability System \* Empowering Patients and  
Families \* Advancing Medical Knowledge and  
Technology

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