

Will my insurance company, Medicare or Medicaid be able to take part or all of my recovery because of how high my medical bills are?

Health insurance companies may be entitled to assert “liens” on potential personal injury monetary recoveries asserting that the company should be reimbursed for money it paid due to the negligent act. Whether a lien exists requires close examination of the language of your insurance policy. Even when the health insurance company is entitled to some reimbursement, your medical malpractice attorney should be able to negotiate with the insurer to reduce the amount of the lien.

Is a medical malpractice case the same thing as a regular personal injury case?

In short, no. Unlike most personal injury cases, medical malpractice cases have very specific actions which must be taken before a lawsuit can even be filed. If all technical requirements are not met, a claim may be dismissed. For example, before a malpractice case may be filed, specific types of medical experts must review the medical records and agree to testify that the care provided was not appropriate. Further, laws passed by our legislators in North Carolina have limited recovery for “non- economic” harms such as pain and suffering in medical malpractice claims.

Should I keep seeing the doctor I may have a malpractice claim against?

We generally recommend that switching doctors is a good idea in this situation. That said, the most important thing is that someone who needs medical care receives that care. In some communities there is not an adequate supply of healthcare providers. If you live in one of these communities and are unable to travel to another physician, your only option may be to keep seeing the same doctor. In these instances, it’s best to speak with an attorney about your particular circumstances.

Is there a monetary cap on what I can recover in a medical malpractice case?

Yes, though the cap put in place by the North Carolina legislature applies to “non-economic” harm as opposed to economic losses. Recovery for economic harm such as medical bills (both past and future) and lost wages is not capped. However, non-economic harm such as “pain and suffering”, disability and loss of enjoyment of life is usually capped at \$533,409 in North Carolina.

How much does it cost to bring a medical malpractice case?

It shouldn't cost you anything, as your attorney should handle your case on a contingency basis, which means that your attorney will only take a fee if he or she is able to recover for you. That said, [medical malpractice](#) cases are very expensive for law firms, so you should make sure the lawyer you hire has the resources, time and expertise to do the job correctly.