



**LAW OFFICE OF GERALD
OGINSKI, LLC**

67 Cutter Mill Road
Great Neck, NY 11021

T 516-487-8207

Gerry@Oginski-Law.com

If doctor is liable, will he be suspended from practicing medicine?

If I get a doctor to admit during the course of a medical malpractice trial that he violated the basic standards of medical care, is he going to be suspended from the practice of medicine? Would you like to know the answer? Do you think you know the answer? Come join me for a moment as I share with you some great information. Hi, I'm Gerry Oginski, I'm a New York Medical Malpractice and personal injury attorney practicing law here in the state of New York.

Now, during a medical malpractice trial, when I have the doctor on the witness stand, I'm going to ask him a series of questions, and I'm allowed to ask him questions about the standard of care. I'm allowed to ask him hypothetical questions. Doctor, assuming that certain things were not done, would you agree, that would be a violation from the basic standards of medical care? Now, I have to have the facts supporting my question in order to ask that hypothetical question. Ultimately, if the jury determines that our set of facts that I used in the hypothetical question are correct and accurate, and they believe that we are more likely right than wrong, then now what the doctor has said using his own words is that it would be a violation from the practice of medicine. A violation from good medical care not to have done A, B, and C.

In that instance, once the jury determines that the doctor did in fact violate the basic standard of care, that he was careless, that departed from good medical practice, is the doctor going to be suspended from the practice of medicine? The answer is, no he's not. This is a civil lawsuit seeking compensation for injuries that this doctor caused my client. Once the jury determines that the doctor is legally responsible for all the harms and injuries my client suffered, now, he's obligated to compensate her, and his insurance company are obligated to compensate my client for all those injuries. That has nothing to do with

whether or not the doctor's license is revoked, and it has nothing to do with whether or not the New York State Department of Health or the medical licensing board temporarily suspends the doctor because of what happened. Now, there are instances that I'm sure you've heard about, in the news, that make the headlines and generate a lot of publicity where a doctor's license is either suspended or actually revoked. For the most part, most of these cases involving improper medical care where a jury determines that a doctor is legally responsible to compensate the injured patient, in most of those cases, the doctor's license is not revoked, it is not suspended. Instead, the doctor continues practicing, and most of the time patients don't even know he was involved in a law suit and a verdict was rendered against him.

Why do I share this quick information with you? I share it with you just to give you an insight and an understanding to what goes on in these medical malpractice cases in the state of New York. I realize you're watching this video because you have questions or concerns about your own particular matter. If your matter did happen here in New York and you're contemplating bringing a law suit but you have questions that need to be answered, what I invite you to do is pick up the phone and call me. I can answer your legal questions. You know this is something I do every single day, and I'd love to talk to you. You can reach me at 516-487-8207 or by email at gerry@oginski-law.com. That's it for today's video. I'm Gerry Oginski. Have a great day.