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Gerry Oginski: You suffered a lot of complications following your surgery and now, as you're going for physical therapy, your therapist tells you, "You know what? I've seen a lot of patients with your doctor have these complications. I think he screwed up." Is that enough to go forward and bring a medical malpractice suit in New York. Want to know the answer? Come join me for a moment as I share some great information.

Hi. I'm Gerry Oginski. I'm a New York medical malpractice and personal injury attorney practicing law in the state of New York. The answer is no. It is not enough because in order to properly evaluate whether or not you have a valid medical malpractice case, we have to have a qualified medical expert review all of your records or a doctor who has treated you and is fully familiar with all of your records and everything that went on.

What do we have to show? We have to show that we are more likely right than wrong than what we are claiming is true. In the case of a medical malpractice case we have to show that a doctor violated the basic standards of medical care. A physical therapist is not qualified to fully evaluate a surgeon's role and what was done, why he did what he did, and why the patient has these problems. Certainly the observations made by the physical therapist may, in fact, be valid. She may see lots of patients from this doctor who have these post operative complications and it is her conclusion, based upon what she sees after the fact from patients who now have to come for rehabilitation, that she believes that this doctor may not be the ideal doctor around. He may not be qualified. He may be responsible for some of these patients' injuries.

Now his comment to the patient might, in fact, be a valid observation but to then make the conclusion or the jump that the reason for these patients' problems are all a direct result of a doctor violating the basic standards of medical care. This physical therapist is not qualified from a medical standpoint, from a legal standpoint, to make that decision. Instead, only another qualified medical expert would be able to look at those records, evaluate them, and determine whether or not this doctor did, in fact, do what he was supposed to do and whether the injuries that the patient has now are a direct result of what the doctor did or didn't do.

Why do I share this great information with you? I share it with you just to give you an insight and an understanding into what goes on in these medical malpractice cases here in New York. I understand you're watching this video because you likely have questions or concerns about your own particular matter. If your matter did happen here in New York and you're thinking about bringing a lawsuit but you have questions that you need answered first, 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 wonderful day.

How did Tara do?



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