

Arizona Medical Malpractice Statutes And Exceptions

Every day, Maricopa County residents trust their health and their lives to medical professionals. Whether going in for a routine physical, undergoing surgery or being treated for an unexpected injury or illness, the chance for a medical error to occur is real. Sometimes, such a problem is immediately obvious. Other times, it can be months or even years before one is aware of a doctor error. No matter when the problem becomes known, it is important for patients to know that they have options for recourse.

The Facts About Medical Malpractice Lawsuits

According to Becker's Hospital Review, there were a total of 12,142 [medical malpractice](#) payouts in the United States in 2012 totalling \$3.6 billion. Only 5% of those payouts were from judgements while 93% were from out-of-court settlements. Death, permanent injury and conditions requiring lifelong care, such as brain injuries, were the most common problems associated with the suits.

The types of errors were many with [misdiagnosis](#) topping the list. Complications related to surgeries and treatments followed closely behind. Other errors leading to lawsuits included problem with obstetrics, medications, patient monitoring and anesthesia.

Arizona Statutes

The state of Arizona has a standard two-year statute of limitations for personal injury lawsuits. Medical malpractice suits are a form of personal injury cases and therefore fall under this law.

The two-year date is determined based upon when the "cause of action accrues", which is the date upon which you are first able to sue. In most cases, this is the date that the error or death occurred. There are, however, three key exceptions to this statute.

- The "discovery rule" states that the statute of limitations begins when the error is first known or "discovered", which may not be as soon as it actually occurs
- For errors involving minors, the two-year statute begins on the date of their eighteenth birthday
- Different statutes govern suits brought against a state entity or a state employee

A missed or wrong diagnosis is a good example of a medical error that is not known at the

time it occurs. It is not typically discovered under the proper diagnosis actually happens. Sadly, this can be quite some time after the error.

For cases with state employees or entities as defendants, the original notice of suit must be served within 180 days of the cause of action accrual. The notice must include all claim details and provide an amount that that plaintiff requests to settle the claim. If this notice is denied, the suit must be brought to court within one year of accrual.

It is important for patients to note that a doctor or other provider may be a state employee without them realizing it. If a particular hospital or program is run by the state, for example, the medical professionals involved or working there are commonly state employees. Therefore, understanding the special exceptions to the statutes for state employees is of prime importance.

Time Is Of The Essence

Given Arizona state statutes, it is important for anyone who is or suspects they are the victim of a medical error to contact an attorney as soon as possible. Waiting too long could mean the difference between obtaining proper compensation and obtaining nothing at all.