

What Counts as Medical Malpractice in Massachusetts?

Massachusetts Medical Malpractice Lawyers Explain Your Legal Rights

A patient leaves a Boston hospital with an infection that requires additional surgery or follow-up medical care. A new mother in Springfield has a baby with a severe injury due to something that went wrong during the delivery. A delayed breast cancer diagnosis or misdiagnosis in Worcester results in a life-threatening emergency because doctors didn't follow standard medical procedures.

When these medical mistakes happen, injury victims and their families often have legal options. That's because [medical malpractice](#) often occurs. And sadly, the problem is far more common than many people might suspect. In Massachusetts, roughly 1 out of 4 residents has experienced a medical error, according to the [Betsy Lehman Center for Patient Safety](#), a state agency created after a fatal chemotherapy overdose at a Boston hospital.

Our Massachusetts medical malpractice attorneys at the [Law Offices of Mark E. Salomone](#) understand how these cases work and what constitutes medical malpractice. That's because we have successfully fought for the rights of many medical malpractice victims. Below, you can learn more about medical malpractice, how these cases work in Massachusetts, and other legal issues often associated with these complex cases.

What Is Medical Malpractice?

Medical malpractice happens when a health care provider fails to give a patient the level of care a reasonably skilled provider in the same field would give. Doctors, surgeons, nurses, and hospitals are all held to this standard of care (the accepted level of skill and caution expected from a competent provider in that specialty). When a provider falls below that standard and a patient gets hurt, the law treats the failure as negligence rather than an unfortunate result.

Not every poor outcome qualifies. Surgery carries known risks, and some complications happen even when a provider does everything correctly. Malpractice requires more than a bad result. A patient must show a duty of care, a breach of that duty, an injury caused by the breach, and real, provable losses. Miss any one of these elements and the claim falls apart.

[Massachusetts General Laws Chapter 260, Section 4](#) sets deadlines for malpractice claims against physicians, surgeons, dentists, optometrists, and hospitals. Medical malpractice cases are also subject to a special screening process that does not apply to ordinary personal injury cases.

What Are Common Medical Malpractice Cases in Massachusetts?

Medical malpractice takes many forms. Some patterns show up again and again in Massachusetts hospitals, clinics, and nursing facilities. Recognizing where a case fits helps clarify what evidence matters most and which medical expert can speak to the standard of care owed.

- **Birth Injuries** - Preventable harm during labor and delivery, including oxygen deprivation, can cause lifelong disabilities for a newborn.
- **Nursing Home Abuse** - Understaffed or negligent facilities sometimes fail to prevent falls, bedsores, malnutrition, or outright abuse.
- **Diagnostic Errors** - A missed, delayed, or wrong diagnosis can allow a treatable condition to progress into something far more dangerous.
- **Hospital Negligence** - Overworked staff and poor communication between departments can lead to medication mix-ups and unsupervised patients.
- **Surgical Errors** - Operating on the wrong site or leaving instruments inside a patient is rarely the result of an unavoidable complication.
- **Anesthesia Errors** - Incorrect dosing or failure to monitor a sedated patient can cause brain damage, organ failure, or death.
- **Wrongful Death** - When a preventable medical error takes a patient's life, surviving family members may have a separate claim.

These categories cover a wide range of injuries. But they share one thing: a provider who fell below the accepted standard of care. If your situation resembles any of these patterns, it's worth having a Massachusetts medical malpractice lawyer review what happened.

Who Decides If Medical Malpractice Occurred?

Massachusetts is one of the few states requiring medical malpractice cases to undergo a screening process before trial. Under [Massachusetts General Laws Chapter 231, Section 60B](#), a tribunal of a Superior Court justice, a licensed physician, and an attorney reviews the case. This happens shortly after the provider files an answer to the complaint.

At this hearing, the patient's attorney presents an offer of proof. This is a summary of the medical records, expert opinions, and other evidence supporting the claim. The tribunal does not decide who wins the case. It decides only whether the evidence, if later proven at trial, would raise a legitimate question of liability. This step exists to weed out lawsuits that amount to an unfortunate medical result.

If the tribunal rules against the patient, the case is not automatically dismissed. The patient can still proceed by posting a bond, typically \$6,000. That bond covers the provider's legal costs if the claim ultimately fails. This makes early case preparation critical, since a weak offer of proof can create a financial hurdle a family did not expect.

How Do You Prove Medical Malpractice Took Place?

Meeting Massachusetts' tribunal requirement and later proving a case at trial both depend on the same foundation. That foundation is solid evidence, gathered early, well before a claim reaches a courtroom. Evidence of medical malpractice often includes:

- **Complete medical records** - Charts, imaging, lab results, and nursing notes often reveal exactly when and how a provider deviated from accepted practice.
- **Expert medical testimony** - A qualified medical expert can explain what the standard of care required and how the defendant fell short.
- **A clear timeline of treatment** - Establishing when symptoms appeared and how the provider responded helps show whether a delay caused the harm.
- **Proof of causation** - Evidence connecting the provider's error directly to the injury, not just the fact that a bad outcome occurred.
- **Documentation of losses** - Medical bills, wage records, and other proof establish the extent of compensation the case may support.

Gathering this evidence takes time and requires access to medical records and other documentation. An experienced Massachusetts medical malpractice lawyer knows which records to request. That lawyer also knows how to build a case strong enough to survive the tribunal.

How Much Is My Medical Malpractice Case Worth?

The value of a Massachusetts medical malpractice case depends on the severity of the injury and the cost of ongoing care. It also depends on how much the harm has changed the patient's ability to work and live independently. A permanent disability or wrongful death claim typically carries far more value than an error causing only temporary harm.

Compensation in these cases is known legally as damages, meaning the money a court orders a negligent provider to pay for the harm caused. Damages can cover medical expenses, lost income, rehabilitation costs, and pain and suffering. Massachusetts law generally limits pain and suffering and other general damages to \$500,000 under [Massachusetts General Laws Chapter 231, Section 60H](#). However, the limit does not apply when there is substantial or permanent loss or impairment of a bodily function, substantial disfigurement, or other special circumstances that would make the limit unjust.

Every case is different, and the final value often depends on many factors. These include the strength of the medical evidence and whether the case settles or goes to trial. A thorough review of the records and a candid conversation with an attorney is the most reliable way to understand what a specific case may be worth.

What Expenses Can I Be Compensated for in a Medical Malpractice Case?

Medical malpractice injuries often create financial strain long before a case ever settles. Massachusetts law allows patients to seek compensation for a range of losses tied directly to the harm a provider caused.

- **Medical bills** - Hospital stays, corrective surgeries, medication, and long-term care needed to treat the malpractice injury.
- **Lost income** - Wages missed during recovery, and reduced earning capacity if the injury limits future work.
- **Rehabilitation costs** - Physical therapy, occupational therapy, and any equipment needed to regain lost function.
- **Pain and suffering** - Physical pain, emotional distress, and loss of enjoyment of activities the patient once had.
- **Wrongful death damages** - Funeral costs and the financial support a family lost when malpractice caused a loved one's death.

These categories add up quickly, especially when an injury requires years of follow-up care. Keeping detailed records of every bill and missed paycheck helps build a clearer picture of what full compensation should look like.

What If the Hospital or Doctor Denies Doing Anything Wrong?

Denial is common in medical malpractice cases. Hospitals and insurance companies rarely admit fault. Medical professionals often believe, sincerely or not, that they did nothing wrong. This response does not mean the claim lacks merit. It usually means the provider is protecting a license, a reputation, and an insurance policy.

Patients frequently run into specific obstacles when a provider denies wrongdoing. These include delays in releasing records and internal reviews that conclude nothing went wrong. These are not abstract warnings. They are common experiences that patients across Massachusetts face after a serious medical error.

An experienced attorney knows how to respond to this kind of denial. That includes formally requesting records through legal channels and consulting independent medical experts. It also means preparing the case as though it will go to trial from day one. A provider's denial often changes once the patient is clearly prepared to fight for the truth.

Who Can I Sue for Medical Malpractice in Massachusetts?

More than one party can share responsibility for a single medical error. Identifying every potential defendant is an important part of building a successful Massachusetts malpractice claim. Potential at-fault parties can include:

- **Physicians and surgeons** - Doctors who personally treated the patient and made the decision or performed the procedure that caused harm.
- **Nurses and nurse practitioners** - Staff responsible for monitoring patients, administering medication, and reporting changes in condition.
- **Hospitals and medical centers** - Facilities can be liable for their own negligence, including understaffing or hiring unqualified staff.
- **Nursing homes and long-term care facilities** - Operators who fail to provide adequate supervision, hygiene, or medical attention to residents.
- **Diagnostic labs and testing centers** - Facilities that mishandle samples, misread results, or fail to report findings to the treating physician.

Identifying the right defendants matters. Available insurance coverage can vary widely between a single physician and a large hospital system. A careful investigation helps make sure no responsible party gets left out.

How Much Time Do I Have to File a Medical Malpractice Lawsuit in Massachusetts?

Massachusetts law generally requires a medical malpractice lawsuit to be filed within three years of the date the cause of action accrues. This deadline comes from [Massachusetts General Laws Chapter 260, Section 4](#). Under Massachusetts's discovery rule, that may be later than the date of the negligent act when the patient did not know, and reasonably could not have known, that they had been harmed by the provider's conduct.

Regardless of when a patient discovers the harm, the same statute sets an outer limit of seven years from the date of the negligent act or omission. The only exception applies to cases involving a foreign object left inside a patient's body during surgery. Those cases are not subject to the seven-year cutoff.

Missing either deadline can end a valid claim before it ever reaches a courtroom, no matter how strong the evidence is. The tribunal process itself can take added time. Patients who suspect malpractice benefit from starting an investigation early rather than waiting until a deadline is close.

Why Should I Hire a Massachusetts Medical Malpractice Attorney?

Medical malpractice cases in Massachusetts are rarely straightforward. Between the tribunal requirement, the damages cap, and strict expert testimony standards, these claims involve more procedural hurdles than almost any other personal injury case in the Commonwealth. Providers are also often reluctant to admit fault.

Our Massachusetts medical malpractice attorneys at the [Law Offices of Mark E. Salomone](#) build every case as though it is headed for trial. We use our in-house courtroom to test evidence and

prepare expert witnesses before a hearing ever takes place. We handle the offer of proof, consult qualified medical experts, and manage every deadline. That's the Salomone Advantage. That's the key to our success.

If a doctor, nurse, or hospital hurt you or someone you love, you should be focused on your physical recovery, not filling out paperwork. Tell the insurance companies you mean business. [Contact us](#) for a free case evaluation. We can answer your questions, explain your options, and get right to work on your important Massachusetts medical malpractice case.