



Call Us! 205-206-6300

Get A Free Evaluation



Mezrano Law Firm eNewsletter May 2021

In last month's eNewsletter article, ***The Importance of a Living Will and Medical Power of Attorney***, we discussed the distinct advantages of having a trusted individual and legal documentation that will protect you in the event of a medical emergency. This month, we will focus on a topic that is closely related and just as important.

LATEST NEWS



INFORMED CONSENT: PROTECT YOURSELF BEFORE GETTING A MEDICAL PROCEDURE OR TREATMENT

Health care providers are required to obtain a patient's informed consent before any form of medical care is given. It includes advising the patient of any benefits and risks from the procedure or treatment. If a provider has not obtained informed consent and the procedure causes harm, the patient may have legal grounds to sue for medical malpractice.

What Is Informed Consent and Why Is It Important?

Informed consent is giving your permission to proceed with medical treatments or procedures. You have the legal and ethical right to make decisions regarding the care and treatment of your body. It is the healthcare provider's responsibility to inform you of all the possible outcomes of that care, including any potential negative drawbacks or risks, before the procedure is performed. Once you are given all the information about the procedure or treatment, you can then decide if you wish to continue with the treatment or decline it.

Informed Consent Includes:

- Your personal diagnosis
- A discussion with your doctor—not his or her representative
- A thorough explanation of the treatment or procedure your doctor recommends and why
- The risks and benefits of the treatment
- The risks and benefits of declining the recommended treatment
- Any considerable alternative treatments and the risks and benefits of each

In most situations, you will be asked to sign a statement verifying that you were correctly informed about the treatment. This document includes your name, signature and date. Your health care provider or the medical facility's legal representative must also sign the document. With your informed consent, your health care provider can perform the treatment discussed.

In an emergency situation, exceptions are made when your life or health is in imminent danger. At that time, the doctor may need to exceed the scope of your consent to take reasonable actions to treat your condition. Additionally, if information about a procedure may make a seriously ill patient too anxious to receive the much-needed treatment, the doctor may be vague in their explanation of any possible negative outcomes so the patient won't refuse the treatment. Both circumstances clearly demonstrate the importance of having a medical power of attorney, who has knowledge and documentation of your desires for any life-prolonging treatments. That individual can help in informing the doctor of your medical wishes should either situation arise.

In a recent [Mezrano Law Firm](#) article titled [Ways to Improve Informed Consent for Patients](#), a study by the non-profit accreditation organization called [The Joint Commission](#) outlines areas of concern regarding informed consent between patients and healthcare providers and what improvements may be needed. The study gives steps that providers can take to ensure that patients fully understand the pros and cons of any given treatment or procedure.

Medical Malpractice: What Happens When A Doctor Does Not Obtain Informed Consent?

When a doctor does not obtain informed consent from a patient for a procedure or treatment, they can be held liable for medical negligence, even if the procedure was performed flawlessly. Additionally, if the procedure was performed well, but the patient experienced complications that the doctor failed to discuss with them previously, the doctor may be held liable for medical negligence or malpractice. In this case, informed consent medical malpractice does not question the doctor's technical skill. It occurs because the doctor did not adhere to professional standards in making the required disclosures about potential complications from the procedure. However, there are cases where it may be warranted for a doctor to perform an immediate necessary procedure while the patient is undergoing a surgery for another issue. In these instances when there are no complications, informed consent may not be required.

Medical malpractice law is highly regulated by a set of complicated rules that vary considerably from state to state. When you or a loved one are dealing with an injury or loss of life due to a preventable medical error, you need to know what the law says about your rights as a patient. Having a skilled law firm that understands the law in your state is imperative in advising you or representing you in a court of law. [Mezrano Law Firm](#) has a skilled team that can help. For more details on medical malpractice and the safety ratings of Alabama hospitals, read [Alabama Medical Malpractice Lawyers](#) on the firm's website. If you have any further questions, contact us online at [Mezrano.com](#) or by phone: 205-206-6300.



IN HONOR OF MOTHERS

As we prepare to celebrate and honor mothers this coming Sunday, May 9th, we thought we'd give you ten facts about this very special day that you may not have known. We wish everyone a very Happy Mother's Day!

1. The first Mother's Day observance has been traced to ancient Greece where Rhea, the goddess of fertility and motherhood was celebrated every spring.
2. During the 1600's in England, Mothering Sunday took place on the 4th Sunday of Lent. It began with a prayer service in honor of the Virgin Mary. Afterwards children would present their moms with flowers.
3. The first American celebration of Mother's Day was created by Ann Jarvis in 1868. "Mother's Friendship Day" was created to foster friendship and community between the mothers on both sides of the war during and after the Civil War.
4. To honor her mother's legacy, Anna Reeves Jarvis trademarked the holiday tradition celebrating all mothers and established the first Mother's Day in 1912.
5. In 1914, with the help of Anna Reeves Jarvis, President Woodrow Wilson made it official, establishing the second Sunday in May as Mother's Day. The tradition has since spread worldwide.
6. The holiday quickly gained commercial appeal with approximately \$14 billion spent on Mother's Day related gifts each year.
7. More phone calls (about 122 million) are made on Mother's Day than any other time of the year.
8. Mother's Day is the third highest selling day of the year for flowers and plants-Christmas and Hannukah hold the first and second spot.

9. Mother's Day is the busiest day of the year for restaurants with more than 62% of households dining out.
10. You may not be the only last minute shopper. In the five days prior to the holiday, more than 65% of all Mother's Day greeting card sales occur.

A SPECIAL THANK YOU TO ALL WHO SERVED

We give our heartfelt thanks to all who served and gave their lives for our freedoms as we remember and honor our brave soldiers for their sacrifice this Memorial Day, May 31st. We also give a special thanks to all our veterans and those who are currently serving our country.



Mezrano Law Firm



Steven Mezrano

Phone: 205-206-6300
31 Inverness Center Parkway
Suite 350
Birmingham, AL 35242
website:mezrano.com

Talk To Us

