

Clinical Negligence Solicitor For A Botched Surgery

Article by: Mumtaz Shah

Statistics do seem to indicate there is an upward trend in wrongful cosmetic surgery treatments; so, would you have a claim for *clinical negligence* following a bad cosmetic surgery experience?

It is hard to imagine that there can be a worse feeling – you go into have cosmetic surgery treatment to improve your features and hopefully boost your self-esteem and when you finish, you find that something has gone horribly wrong and you have been disfigured for life!

Establishing A Claim

In order for a *clinical negligence solicitor* to establish that you have a medical negligence claim, the solicitor needs to show that a duty of care situation existed between you and the surgeon and that the surgeon was negligent in this.

Fortunately or unfortunately, however you wish to look at this, prior to 1 April 2002 there was no method of ensuring that the private cosmetic surgeon who treated you had any specialist cosmetic surgery training. Indeed, even if they are still practicing today, if they started practising cosmetic surgery prior 1 April 2002, there would still be no requirement that they had received specialist cosmetic training.

For this reason, having established that a duty of care relationship existed, it should be much easier for your solicitor to show that the surgeon acted negligently than would otherwise be the case in a more mainstream medical negligence claim.

Alternative means of establishing a claim for clinical negligence compensation include:

Informed Consent

Nearly all cases involving cosmetic surgery negligence claims centre on the issue of whether or not you had the appropriate informed consent prior to the procedure. Basically, 'informed consent' means that the surgeon or doctor treating you is required to inform you of:

- the potential benefits of the cosmetic treatment you are about to have, something most cosmetic surgeons are very happy to talk about;
- the potential risks that are associated with the cosmetic surgery procedure you are going to undertake, something most cosmetic surgeons talk about reluctantly; and
- what the alternatives are to the treatment you are about to receive, something cosmetic surgeons sometimes fail to inform their patients!

Without your informed consent to the cosmetic surgery, it is possible for your clinical negligence solicitor to establish that a clinical negligence claim exists and to ask for *clinical negligence compensation*.

Injury Compensation

Besides lack of informed consent, a clinical negligent solicitor can also establish a case for clinical negligence in the event that you suffer any disfigurement or scarring following the procedure, or if the treatment results in you have some other form of disfigurement – such as damaged nerve-ends, damaged internal organs, abrasion, etc.

Dental Surgery

In addition to the more common claim of negligent treatment in cosmetic surgery, if you have recently received any cosmetic dental treatment that did not produce the results you were lead to believe would be the case by the advertising you read, or if the cosmetic dental surgery procedure was painful, or left you in any way disfigured, you may well have the right to claim for dental negligence compensation – so make sure you check this out with your solicitor.

What Should You Do If You Think You Have A Claim?

If you believe you have a clinical negligence claim following cosmetic surgery, you should see a specialist in clinical negligence as soon as you can.

Keep in mind that only a very small fraction of medical negligence claims involving cosmetic surgery procedures are allowed to apply for public funding (such as Legal Aid) to help pay the costs of a claim.

As such, if you cannot afford a specialist clinical negligence solicitor, then you should try and see a compensation

solicitor on a no win no fee claim basis as court cases involving clinical negligence centred around cosmetic surgery practices can be time consuming and costly. It's easy to proceed with a **clinical negligence claim** and gain maximum results without the hassle, costs and confusion. Discover the 12 revolutions of clinical claims at <http://www.100percent-compensation.co.uk/articles/clinical-negligence.html>.