

Medical Battery Claims

Medical battery occurs when treatment is provided without patient permission. A claim for medical battery can usually be avoided through the use of appropriately documented patient consent.

Perhaps the most common way a claim arises is when the patient claims that s/he consented to treatment, but that the treatment actually provided was different than what they authorized. In such a situation, the good intentions of the healthcare provider are not particularly relevant; instead, the focus is whether an unauthorized contact occurred.

Keep in mind that patients may refuse any treatment, even if refusing a treatment endangers the life of the patient. For these reasons, obtaining written consent for the specific medical treatment contemplated is preferred.

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