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▶▶▶ February 2013 ◀◀◀

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VA Hospitals May Provide Sub-Standard Care

Attorney Jeff Milman explains the differences, “When you are a veteran, you have the right to be treated at a Veterans Administration facility following active duty. Veteran’s malpractice isn’t different than malpractice in a private hospital, but it carries with it a whole different set of rules, regulations, filing requirements and it’s all federalized since you are suing the United States of America.”

Testing also seems to be a problem at VA hospitals – or rather a *lack* of testing. Milman explains, “We seem to find a tendency in the veteran’s cases to be more gravitated towards failure to provide timely testing such as having to wait for long periods of time, for example for an MRI.”

What to Do If You’ve Been a Victim of Malpractice at a VA Hospital

Veterans who have been the victim of malpractice in a VA hospital should understand that the cards may be stacked against them if they decide to file a claim. Milman stresses, “The first thing they should try and do is acquire their hospital chart from the VA which can be a daunting task at best. I’ve seen horrific cases where these veterans try and try and try and just can’t seem to get their hands on their records. The other thing they should do is write down a chronology of ‘he said she said’. Take whatever pictures and collect whatever evidence they feel may be appropriate. They should also contact a good lawyer – someone with expertise in this area of the law.”

Be Persistent in Obtaining Your Medical Records

If you can’t get a hold of your medical records, Milman says ‘be persistent’. “Sometimes the VA will cooperate a little more if a veteran is lucky enough to know someone in the medical field and can arrange to have the records transmitted to a private practitioner such as a family friend who is a doctor. All I can say is the ‘squeaky wheel gets the grease’ and they need to be persistent. Go to the medical records center or have a relative do so and just keep pushing.”

What NOT to Do

As someone who knows the system, Milman also explained what NOT to do. “They shouldn’t put a lot of nasty things in writing. They shouldn’t meet with the claims administrators for the VA and give recorded statements. They shouldn’t rush off and start marching in front of the facility or contact the press. What they need to do is the three C’s – be calm, cool and collected and not put anything in writing that may come back to haunt them because a federal judge, not a jury, will hear the case.