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Veterans Medical Malpractice Claims: What You Should Know

If you are a veteran and you or family members were injured due to the negligence of a doctor or other medical personnel at a VA hospital, you may sue the U.S. government under a federal law called the [Federal Torts Claims Act \(FTCA\)](#).

The FTCA is broad and allows lawsuits against the U.S. government for a variety of claims, including medical malpractice, but the requirements for filing suit can be complicated. Before you (or your dependent) can sue, you have to make an administrative claim against the VA for the full amount of damages you have suffered. This claim can be made on a Standard Form 95 that is available from government agencies and U.S. Attorney offices. You could file this on your own, but you should think carefully before doing that. You will never be able to ask for more damages than the amount you put on the form unless you can prove that the additional damages are based on evidence you couldn't have known at the time you filed your administrative claim. For this reason, you need to know the amount of damages you might be entitled to receive, and you usually need an experienced medical malpractice lawyer to tell you that. If you write in a smaller damage amount on the form, you lose your right to the rest forever.

[Been injured at VA Hospital due to medical negligence? You may have a lawsuit. Click here, for a top rated law firm to evaluate your legal rights.](#) [Sponsored Link]

Once your administrative claim is filed, the VA has 6 months to review and investigate the claim. It may then either accept the claim and pay it out in full, settle the claim for less, or reject the claim outright. If the VA rejects your claim, you may file a lawsuit in federal court to pursue the matter further. If the VA does nothing and 6 months goes by, this will be interpreted as a rejection of the claim.

If you wind up in federal court, you will sue under the FTCA. Overall, the FTCA allows you to file a lawsuit within 2 years of discovering your injury and what caused it. But given the 6-month time period needed to file and complete your administrative claim, you really only have a little over a year at most to begin taking action on your FTCA claim

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State where incident occurred

City where incident occurred
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(and the federal court will dismiss your claim if you try to file it before your administrative claim period is done). So don't procrastinate! These legal deadlines are very tricky and it is highly advised you consult an attorney experienced in VA medical malpractice to protect your claim and possible recovery. If you miss a deadline, you could lose your right to recover for the injury forever.

To find an experienced VA medical malpractice attorney, post your case to the free [Case Evaluation Form](#). After posting your case, an experienced law firm that handles VA medical malpractice cases will contact you for a free case evaluation, without any cost or obligation.

For more information about the declining standard of care in VA hospitals, see [Veterans Administration Hospitals: Do They Measure Up to an Appropriate Standard of Care?](#)

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