

# Compensation for misdiagnosis of fractures

## Clinical Negligence

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### What is a fracture?

A fracture can be a complete or incomplete break in the continuity of bone tissues and usually results from traumatic injury.

### How are fractures diagnosed?

Patients will usually present to an accident and emergency department at hospital following their injury.

Diagnosis of a fracture at this stage is typically by way of a physical examination and an x-ray. During the physical examination the treating doctor or emergency nurse practitioner will consider the level of swelling and pain, whether there is any localised numbness, bleeding or signs of dislocation and, where appropriate, the range of movement in the joint. The usual procedure following this step would be rule out the possibility of a fracture by taking an x-ray. However, in some circumstances hospital staff may conclude that no x-ray is required, for example if the injury is diagnosed as a sprain following the physical examination.

Some fractures are more difficult to detect than others, such as fractures of the scaphoid bone (a small bone in the hand) and certain fractures of the spine, but the medical team will have a duty to conduct a thorough investigation to ensure that any fractures are detected and managed appropriately. A failure to do so can have serious consequences.

### Do I have a claim?

In addition to the various errors that can lead to a misdiagnosed fracture when a patient first attends the emergency department, doctors may also overlook their duty to arrange appropriate follow up treatment. This could further delay the detection of a fracture and lead to an exacerbation of the original injury. Depending on a number of factors such as the length of the delay in diagnosis and whether the patient was weight-bearing on the injured limb following discharge, the bone could begin to degenerate or osteoarthritis could start to develop.

The key question is whether the eventual outcome is significantly worse because of the misdiagnosis. If so, you may have a claim in clinical negligence and should contact a specialist solicitor.

### How much compensation will I receive?

This will depend on the nature and severity of the injury you have suffered as a consequence of the misdiagnosed fracture. For example, you may have had to take an extended period of time off of work, which would give rise to a loss of earnings claim. In addition, it may be that you required or will require further medical treatment in order to return to normal functioning. Again, this would increase the value of your claim.

Compensation in personal injury and clinical negligence claims can be split into two categories, general damages and special damages. General damages are there to compensate you for the additional pain and suffering you experienced as a result of the misdiagnosed fracture as well as your loss of enjoyment of life. Special damages are there to compensate you for your actual past financial losses and your calculable future losses. For detailed advice on the value of your claim you should contact a specialist clinical negligence solicitor.