

Josh Gajer Comments on Legal Exposure of Understaffed Emergency Departments

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Partner Josh Gajer has seen Emergency Department (ED) staffing levels become a central focus in two types of malpractice cases. Most commonly, it is a case alleging delayed diagnosis.

"Plaintiff's lawyers criticize the amount of time it took for the patient to be seen by a doctor," Josh said. "For years, plaintiffs' attorneys have argued that a hospital is liable, as an institution, for not employing sufficient numbers of qualified staff to triage and/or monitor patients."

In a recent *ED Management* article, "Dangerously Understaffed EDs Can Legally Expose Hospital", Josh discusses how staffing shortages caused by ongoing COVID-19 outbreaks, staff resignations without replacements, and staff callouts are causing huge problems for hospitals. "ED providers need to be careful in their depositions not to pass responsibility to the hospital for understaffing or otherwise providing inadequate resources," Gajer cautions. (p.39)

KEY ATTORNEYS

Joshua Gajer

PRACTICE AREAS

Healthcare