



Medical Malpractice Checklist

Essential steps to protect your health, your rights, and your options after a possible medical error in Missouri and Kansas.

1 PROTECT YOUR HEALTH FIRST

A bad outcome is not always malpractice — but if you believe a medical error harmed you, your health still comes first. Take care of that before anything else.

- **Get continuing care — ideally elsewhere:** Have your condition evaluated and treated, where possible by a different, independent provider not involved in the treatment in question.
- **Get a second opinion:** An independent doctor can help you understand what happened and what you need now.
- **Don't rely on the original provider to quietly "fix it":** Where you can, continue care through someone outside the practice involved.
- **Follow through on all treatment:** Gaps in care can harm both your recovery and any future claim.

2 GET AND PRESERVE YOUR RECORDS

Your medical records are the single most important evidence in a malpractice case — and you have a legal right to them.

- **Request your complete records:** Under federal law (HIPAA), you can request copies from every provider, hospital, lab, and pharmacy involved. Ask for everything — not a summary.
- **Get your own copies promptly:** Don't rely on the provider to hold them. Include imaging, test results, nurses' notes, and billing records.
- **Keep all bills and receipts:** Track every cost — treatment, medications, travel, and out-of-pocket expenses tied to the harm.
- **Save anything physical:** Any device, medication, or packaging connected to what happened.



3 WRITE DOWN WHAT HAPPENED

Memories fade and details matter. A clear, dated account of events can be decisive.

- **Build a timeline:** Dates of visits, procedures, and symptoms; who treated you; and what you were told, in their words where you can recall.
- **Keep a symptom journal:** Dated entries on how the harm affects your daily life, work, sleep, and mood.
- **Note names and roles:** The doctors, nurses, and staff involved, and the facilities where care was given.
- **Stay off social media:** Don't post about your condition, your care, or the providers. It can be used against you.

4 BE CAREFUL WHAT YOU SIGN AND SAY

After a possible error, the hospital's risk-management team or the provider's insurer may reach out. How you handle them matters.

- **Don't sign broad releases:** A form to "release records" or settle can sign away rights before you understand the harm. Read carefully and get advice first.
- **Don't give a recorded statement:** You are not required to give one to the provider's insurer or risk manager. Decline politely and speak with an attorney first.
- **Be cautious with "patient relations" outreach:** An apology or explanation may be sincere – but treat any request to sign or settle with caution.
- **Don't accept a quick settlement:** Early offers come before the full, long-term cost of the harm is known.

5 WHY MEDICAL MALPRACTICE CASES ARE DIFFERENT

These claims carry hurdles that ordinary injury cases don't – which is why acting early and getting qualified help matters.

- **A "bad result" isn't enough:** You generally must prove the provider failed to meet the accepted standard of care, and that the failure caused your harm.
- **Expert support is required:** These cases hinge on testimony from qualified medical experts – and Missouri requires an affidavit from a qualified health-care provider early in the case.
- **The deadlines are short and specialized:** Medical malpractice has its own filing deadlines, often shorter than other injury claims (see Section 6). Miss them and the case ends.



6 MISSOURI VS. KANSAS – KNOW WHICH RULES APPLY

Medical malpractice has its own deadlines and proof requirements – and they differ from other injury cases, and from state to state.

Filing Deadlines – Shorter Than Other Injury Claims

- **Missouri:** Generally two (2) years from the negligent act – not the five years Missouri allows for most injuries. Narrow exceptions exist (for example, a foreign object left in the body, or failure to inform you of test results, measured from discovery), and an overall ten-year outer limit applies.
- **Kansas:** Generally two (2) years from when the injury is or should have been discovered, with a four-year outer limit (statute of repose) regardless of when it is discovered.

What You Must Prove

- **Standard of care and causation:** In both states you must show the provider breached the accepted standard of care and that it caused your injury – proven through qualified medical experts.
- **Missouri's affidavit requirement:** Missouri also requires filing an affidavit from a qualified health-care provider, confirming the claim has merit, shortly after the lawsuit is filed.

Shared Fault

- **Missouri (pure comparative fault) vs. Kansas (50% bar):** As with other claims, Missouri reduces your recovery by your share of fault; Kansas bars recovery entirely if you are found 50% or more at fault.

EXTRA NOTES

You deserve clarity, representation, and a full pursuit of what is right.

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