

# Pennsylvania Medical Malpractice Guide

Understanding your rights after a medical error

[yourmedlegal.com](https://yourmedlegal.com) | (641) 348-4545

Free Guide — Updated 2026

## 1. What Is Medical Malpractice?

---

Medical malpractice occurs when a healthcare provider deviates from the accepted standard of care, and that deviation causes harm to the patient.

### Common Types of Medical Malpractice

- Misdiagnosis or delayed diagnosis
- Surgical errors or wrong-site surgery
- Medication errors (wrong drug, wrong dose)
- Birth injuries (cerebral palsy, Erb's palsy, HIE)
- Anesthesia errors
- Failure to obtain informed consent
- Hospital-acquired infections due to negligence

## 2. Pennsylvania's Certificate of Merit

---

Pennsylvania requires a Certificate of Merit (COM) before you can file a medical malpractice lawsuit. This is a written statement from a licensed professional certifying that the care provided fell outside acceptable professional standards.

- Must be filed within 60 days of filing the complaint
- Signed by an appropriate licensed professional (usually a physician in the same specialty)
- Failure to file results in dismissal of your case

*Your attorney handles the Certificate of Merit — but you need an attorney early to allow time to obtain it.*

## 3. Statute of Limitations

---

### Standard Rule: 2 Years

In Pennsylvania, you have 2 years from the date you discovered (or reasonably should have discovered) the malpractice to file a lawsuit.

### Discovery Rule

The clock starts when you knew or should have known that the harm was caused by a medical error — not necessarily the date of the procedure.

### 7-Year Statute of Repose

Regardless of when you discover it, you generally cannot file more than 7 years after the date of the negligent act. There are limited exceptions for foreign objects left in the body.

### Minors

For minors, the statute of limitations does not begin until age 18, but the 7-year repose still applies.

## 4. The MCARE Fund

---

Pennsylvania's Medical Care Availability and Reduction of Error (MCARE) Fund provides additional compensation in medical malpractice cases that exceed a physician's basic insurance coverage.

- Physicians must carry minimum malpractice insurance (\$500K per occurrence)
- MCARE covers claims above that amount, up to \$500K additional
- This means up to \$1M in coverage per incident from these two sources alone

There are no caps on compensatory damages in PA medical malpractice cases.

## 5. What Makes a Strong Case

---

- Clear deviation from the standard of care
- Direct causation between the error and your injury
- Significant and documented damages (medical costs, lost wages, pain and suffering)
- Complete medical records from all treating providers
- Expert testimony from a qualified medical professional

*Request your complete medical records as soon as possible. Providers are required to provide them, and they are critical evidence.*

## 6. How YourMedLegal Can Help

---

YourMedLegal connects medical malpractice victims with experienced attorneys in PA, NJ, and DE — at no cost.

- Free attorney matching — no upfront cost
- Attorneys work on contingency — no fee unless they win
- Medical malpractice cases require specialists — we connect you with attorneys who focus on these cases

Visit [yourmedlegal.com](http://yourmedlegal.com) or call (641) 348-4545 to get your free case review today.