

Death Due to Malpractice in Kentucky

A physician or hospital whose negligence causes the death of an individual would be liable under the general wrongful death statute in Kentucky. The decedent would also be able to collect for damages suffered prior to death under the survival statute, including pain and suffering. The estate would have to prove that the physician breached the standard of care. In other words that the practice that was recognized as the normal practice in the community was not followed. This would constitute negligence.