

Staten Island Medical Malpractice: Your 2026 Legal Guide

Serving Richmond County & all five boroughs · **Free Case Review: (212) 869-3500**

Misdiagnosis · Surgical Errors · Birth Injuries · Hospital Negligence · Wrongful Death

\$295M+

recovered for our clients

3 generations

serving New York families

No Fee

unless we win

For more than three generations, the medical malpractice lawyers at the Jacob D. Fuchsberg Law Firm have helped Staten Island families when the unimaginable happens. Although medical malpractice is a leading cause of death and disability in New York, no one ever expects it will happen to them — and when it does, you deserve a team that will hold providers accountable.

This guide explains how medical malpractice claims work for Staten Island (Richmond County) residents: the most common types of cases, how a claim is proven, the deadlines that apply under New York law, and the compensation available. It is general information, not legal advice — every case turns on its own facts, so speak with a qualified attorney about your situation.

1. Serving Staten Island & Richmond County

Staten Island residents receive care at facilities including **Staten Island University Hospital** and **Richmond University Medical Center**, as well as private practices and outpatient clinics across the borough. When treatment at any of them falls below the accepted standard of care and causes harm, New York law gives patients and families the right to seek compensation. Medical malpractice claims for Staten Island residents are generally filed in the New York State Supreme Court, Richmond County.

Our medical malpractice law firm has been serving Staten Island for more than four decades. We help individuals and families injured in Manhattan, Brooklyn, Queens, the Bronx, Staten Island, and Long Island.

2. Common Types of Medical Malpractice Cases

Healthcare providers — doctors, nurses, surgeons, pharmacists, and device manufacturers — are not immune from error. Below are the most common types of claims we handle for Staten Island residents.

- **Birth injuries.** Surgical errors during a C-section, improper anesthesia, misuse of forceps, or poor monitoring of pregnancy can cause serious, lifelong harm to a newborn.
- **Misdiagnosis.** A wrong diagnosis — or no diagnosis at all — delays treatment. Cancer is a common example, where survival rates drop the longer treatment is delayed.
- **Surgical errors.** Wrong-site surgery, operating on the wrong patient, or a retained surgical instrument all qualify as malpractice.
- **Medication & medical-device errors.** Wrong prescriptions, incorrect dosing, dangerous drug interactions, or a defective device such as a faulty pacemaker.
- **Hospital negligence.** Claims against a hospital for the negligence of its staff, including nursing and emergency-room errors.

3. Do I Have a Valid Medical Malpractice Claim?

Dissatisfaction with a result is not the same as malpractice. You would not have a claim simply because a provider recommended a treatment you did not prefer — but you may have one if that treatment worsened your condition or caused an entirely new injury. Because the burden of proof is higher than in an ordinary personal-injury case, each of the following must be true:

Duty of care. The provider owed you a reasonable duty of care.

Breach of care. They breached it by failing to meet the standard other similarly credentialed providers would have met.

Causation. That medical or surgical error directly caused your injury.

Damages. You would not have suffered the additional harm but for that error.

A note on filing: New York also requires a Certificate of Merit — a sworn statement that a qualified medical expert was consulted and supports the claim — and expert testimony to establish the standard of care.

Think You Have a Staten Island Malpractice Claim?

We review cases for free, with no obligation. Call (212) 869-3500 or visit www.fuchsberg.com.

4. Statute of Limitations in New York

Deadlines are among the most critical aspects of any claim. Missing one permanently bars recovery, no matter how strong the case.

Situation	General Deadline	Key Notes
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Adult patient	30 months (2.5 years) from the negligence	CPLR §214-a
Retained foreign object	1 year from date of discovery	NY discovery rule (limited)
Injured minor (child)	Tolled until age 18; not beyond 10 years from the act	Infancy toll + 10-year cap
Wrongful death	2 years from date of death	Loss of a loved one to negligence
Municipal / public hospital	Notice of Claim within 90 days	General Municipal Law §50-e

These rules are fact-specific and can be affected by the discovery rule and other exceptions — do not rely on this table alone; consult a qualified attorney promptly.

5. Compensation You Can Recover

As with all personal-injury matters, a successful claim can recover two categories of damages — and New York does **not cap** non-economic damages in medical malpractice cases.

Economic (compensatory)

- Past and future medical bills
- Lifetime care and rehabilitation
- Lost wages and lost earning capacity

Non-Economic

- Pain and suffering
- Loss of enjoyment of life
- Loss of consortium

6. Notable Staten Island Results

Our attorneys have secured significant medical malpractice verdicts and settlements holding providers accountable:

\$7.14M	Medical staff failed to recommend or perform a timely C-section, causing neurological injuries (cerebral palsy) requiring lifelong care and rehabilitation.
\$3.25M	A man's routine back pain was misdiagnosed, resulting in permanent loss of leg function and lifelong disability.
\$2.3M	A 38-year-old father died of a heart attack when hospital staff failed to respond to warning signs or consult cardiology following surgery.

7. Frequently Asked Questions

How do I know if I have a Staten Island medical malpractice claim?

If a provider's error caused a new injury or worsened your condition, you may have a claim. The only way to know is a free case review, where an attorney assesses duty, breach, causation, and damages.

Is anything special required to file a medical malpractice lawsuit?

Yes — New York requires a Certificate of Merit confirming that a qualified medical expert supports the claim, along with expert testimony on the standard of care.

How much does it cost to hire a medical malpractice lawyer?

Nothing up front. We work on contingency — there is no fee unless we win or settle your case.

How is the value of a Staten Island medical malpractice case determined?

Value depends on the severity and permanence of the injury, past and future medical and care costs, lost earning capacity, and non-economic harm such as pain and suffering — which New York does not cap.

Begin Your Staten Island Claim Today — Free Consultation

Call us to find out whether your case meets New York's criteria to proceed. We are available 24/7, compassionate in our approach, and you don't pay unless we win.

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