



BUZZARD
— LAW FIRM —

FREE GUIDE · MEDICAL MALPRACTICE

When Medical Care Goes Wrong in *North Carolina*

How malpractice claims work, the expert review North Carolina requires before a case can even be filed, and the deadlines that can close the door.

Buzzard Law Firm
728 S. Main St., Lillington, NC

910-893-2900
Free consultations for malpractice cases

WHY THIS GUIDE MATTERS

A bad outcome isn't always malpractice.

Medicine has risks, and not every complication means someone did something wrong. Malpractice is different: it's when a doctor, nurse, hospital or other provider falls below the accepted standard of care, and that failure causes harm.

North Carolina makes these cases harder to bring than most injury claims. A qualified medical expert has to review the case before it can be filed, the deadlines are strict, and some damages are capped. Knowing that early matters.

North Carolina at a glance

3 years

from the last act of the provider that gave rise to the claim is the general deadline. N.C.G.S. § 1-15(c)

4 years

is the outside limit in most cases, even when an injury isn't discovered right away. N.C.G.S. § 1-15(c)

Expert review

is required before filing: the complaint must certify a qualified expert reviewed the records. N.C. R. Civ. P. 9(j)

A cap

limits noneconomic damages in most cases, adjusted for inflation every three years. N.C.G.S. § 90-21.19

THE LEGAL TEST

What a malpractice claim has to show

- 1 **A provider–patient relationship.** The provider owed you a duty of care.
- 2 **A breach of the standard of care.** The care fell below what similar providers, with similar training, would have done in the same or similar communities. N.C.G.S. § 90-21.12
- 3 **Causation.** That breach caused your injury, rather than the underlying illness or a known risk.
- 4 **Damages.** You suffered real harm: added medical costs, lost income, pain, lasting injury or death.

Situations that may be worth a review

- A missed or delayed diagnosis, such as cancer, stroke or infection
- Surgical errors, including wrong-site surgery or retained objects
- Medication and prescription errors
- Birth injuries to a mother or baby
- Anesthesia errors
- Failure to monitor, follow up or act on test results

WHAT TO DO NOW

Steps that protect your health and your claim

- ☐ **Get the care you need first**, including a second opinion from a different provider if you have concerns.
- ☐ **Request your complete medical records**, including imaging, test results and nursing notes. You have a right to copies.
- ☐ **Write a timeline** while it's fresh: appointments, symptoms, what you were told and by whom.
- ☐ **Keep bills, receipts and records of missed work.**
- ☐ **Save any medication, device or packaging** involved in the injury.
- ☐ **Be careful what you sign.** Talk to a lawyer before signing a release or statement from a provider or insurer.
- ☐ **Don't wait.** Expert review takes time, and the deadlines don't pause while you decide.

Why the expert review matters. In North Carolina, a malpractice complaint can be dismissed if it doesn't certify that the medical care was reviewed by someone reasonably expected to qualify as an expert witness, who is willing to testify that the care fell below the standard. Building that review takes time, so starting early protects your rights.

SPECIAL RULES

Deadlines and limits to know

- **Late-discovered injuries.** If an injury wasn't readily apparent, you may have one year from discovery, but generally no more than four years from the provider's act. N.C.G.S. § 1-15(c)
- **Foreign objects left in the body.** A longer outside limit can apply. N.C.G.S. § 1-15(c)
- **Children.** Special timing rules can apply to claims for minors. N.C.G.S. § 1-17
- **Wrongful death.** A death caused by malpractice generally must be filed within two years of death. N.C.G.S. § 1-53(4)
- **Damages cap.** Noneconomic damages, like pain and suffering, are capped in most cases. The cap doesn't apply in limited situations involving permanent or severe injury together with reckless, fraudulent or malicious conduct. N.C.G.S. § 90-21.19

Mistakes to avoid

- 01 Assuming it's too late** without checking. The rules on discovery and children can matter.

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- 02 Assuming it's too early.** Expert review takes months, so waiting can cost you.
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- 03 Posting about your care** or the provider on social media.
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- 04 Confronting the provider** or signing anything before getting advice.
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- 05 Losing records,** devices or medication involved in the injury.
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ABOUT BUZZARD LAW FIRM

Experience with complex medical cases.

Founder **Robert A. “Tony” Buzzard** has recovered millions of dollars for patients harmed by medical errors, and the firm has tried and settled many malpractice cases in eastern North Carolina.

Malpractice cases require careful preparation and the right experts. We review the records, explain whether a claim is likely to meet North Carolina's requirements, and offer **free consultations** for medical malpractice matters.



Have your case reviewed.

Free consultation for medical malpractice cases. Monday–Friday, 8 a.m.–5 p.m.

910-893-2900



Scan to request a consultation, or visit
buzzlawfirm.com/consult

728 S. Main St., Lillington, NC 27546

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BRING THIS TO YOUR CONSULTATION

Medical timeline worksheet

List each visit, procedure or call in order. Approximate dates are fine.

DATE	PROVIDER / FACILITY	WHAT HAPPENED OR WHAT YOU WERE TOLD

Documents to gather

☐ Complete medical records and imaging

☐ Discharge papers and instructions

☐ Prescription and pharmacy records

☐ Bills and insurance explanations of benefits

☐ Records of missed work and lost income

☐ Names of every provider involved

☐ Any letters or statements from the provider

☐ Photos of visible injuries over time