



Psychiatry

Injured in connection with medical treatment or medicine?

For patients and relatives in psychiatric care

If you have sustained an injury in connection with your treatment, you can apply for compensation to the Patient Compensation Association.

Your injury may have occurred at a hospital, a nursing home, or a group home. It could also have happened when you were treated by a physiotherapist, your own GP, or by a specialist.

You can also apply for compensation for serious side effects resulting from medication.

Treatment injuries

You may be entitled to compensation if, for instance, a psychiatrist has misdiagnosed your condition and you sustain an injury. Alternatively, you could have been given the wrong medicine or too much medicine at your nursing home or group home.

You may also be entitled to compensation if you are injured while you are receiving treatment for another illness than your mental illness. This could be an injury sustained during or after an operation, or an injury that is caused by a delay in receiving treatment for a physical illness that your doctor has overlooked.



At www.min.medicin.dk you can find information about almost all medicines and their side effects.

Medicinal injuries

You may be entitled to compensation for a serious and rare injury caused by the severe side effects of a medicine. The injury sustained could be physical or psychological.

However, all medicines have side effects, and most often they are mild and disappear again quickly. You are not entitled to compensation for these discomforts.

The more serious the illness, the more side effects you are expected to endure, as it is necessary for you to take the medicine in order to get well again. If you have a serious, psychological condition that requires medicine, you are also expected to tolerate a wider range of side effects, without giving you the right to compensation for them.

An example of a physical medicinal injury

A woman is treated for anxiety with a medicine. As a result, she develops diabetes that requires treatment. This is a very rare side effect of the medicine she is originally prescribed, but also a physical injury in contrast to the illness that she was receiving treatment for. She is, therefore, compensated for her injury.

Example of a psychological medicinal injury

A young man is treated for impure skin with a medicine. He develops a serious depression, has suicidal thoughts, and is admitted to an adolescent psychiatric ward for a longer period of time. The depression is caused by the medicine he is prescribed for his skin problems, so he is entitled to compensation.

Your compensation

If you are awarded compensation, the Patient Compensation Association calculates the amount of compensation in accordance with The Danish Liability for Damages Act.

You are not entitled to compensation for any symptoms and disabilities that are caused by the illness for which you are in treatment.

You can receive compensation to cover the following:

- *Loss of ability to work.* You can receive compensation if you had the ability to work prior to sustaining an injury but you have now completely or partially lost that ability.
- *Loss of earnings.* If the injury has led to a loss in income, you are entitled to compensation. If, prior to the injury, you were not in the labour market, you are not entitled to compensation for loss of earnings.
- *Permanent injury.* You can claim compensation if you have sustained permanent injury. However, you are not entitled to compensation for any symptoms and disabilities that are caused by the illness for which you are in treatment.
- *Pain and suffering.* A compensation awarded for pain and suffering must compensate for the discomfort you have suffered as a result of being ill because of your injury.
- *Expenses incurred as a result of the injury.* In some cases, compensation can be awarded to cover expenses incurred for medicines, physiotherapy, transportation etc.
- *In the event of death.* Surviving relatives can be awarded compensation if a patient dies as a result of an injury. The same rule applies if a patient commits suicide during hospitalization, and the suicide could have been prevented.

If your claim for compensation is accepted, the Patient Compensation Association will deduct DKK 7,792 (2020 level) from the total amount, as a claimant contribution to the total sum.



Apply for compensation

There are several ways you can apply for compensation:

- Register electronically at www.patierterstatningen.dk by using your NemID.
Please note that the application form is in Danish.
- Print out an application form, fill it in, and send it to us by post.
- Call the Patienterstatningen and ask to have an application form sent to you.

If you do not think that the questions in the application form are relevant to your particular injury, it is possible to describe your case in your own words in a separate document. Remember to include your name, address, telephone number and civil registration number, together with the signed document.

It is vital that you also fill in and sign the application form so that the Patient Compensation Association have your consent to process your case.

The Patient Compensation Association will call or write to you if there is a need for further information.

A family member or friend may also help you apply for compensation, as long as you have given them permission. You can seek advice from a patient adviser, treatment centre, or a patient association. You are also always welcome to call the Patient Compensation Association for advice.

It is not necessary to hire a lawyer. However, if you do choose to seek legal advice, you will have to pay all expenses yourself.

Limitation Periods

- 3 years:
The period from the time you discover - or should have discovered - that you have sustained an injury until you apply for compensation must not exceed 3 years. After 3 years, the case will be outdated.
- 10 years:
If more than 10 years have gone by since you received treatment or medicine for an illness, the case is always outdated.

Who is the Patient Compensation Association?

The Patient Compensation Association is the institution in Denmark that processes all cases relating to injuries sustained during and following treatment for diseases, examinations, and health care.

The Patient Compensation Association also deals with medicinal injuries. Both harmful side effects and injuries due to medication errors.

Learn more about the Patient Compensation Association and your rights at www.patienterstatningen.dk

In the event of injury

If you have been injured in connection with treatment or due to harmful side effects of a medicine, you may apply for compensation to the Patient Compensation Association. It is completely free of charge to apply for compensation.

You can always call the Patient Compensation Association if you have any questions.

This leaflet has been produced by the Patient Compensation Association and BEDRE PSYKIATRI (BETTER PSYCHIATRY) – the National Association for Relatives.

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