

Can a Doctor Be Liable for Failing to Refer a Patient to a Specialist?

A Palm Beach Gardens Medical Malpractice Lawyer Explains Delayed Referrals

A doctor is not automatically at fault every time a specialist could have caught something sooner. Some delayed referrals reflect a reasonable, if ultimately incorrect, medical judgment call. But many other times, serious medical problems occur because a doctor ignored red flags that pointed toward a condition outside their expertise. When that happens, the doctor may be liable for [medical malpractice](#), meaning legally responsible for the harm caused.

The [Agency for Healthcare Research and Quality \(AHRQ\)](#) has studied the impact of diagnostic errors on patient safety. AHRQ reports that diagnostic errors are one of the leading causes of medical malpractice claims nationwide. AHRQ also estimates that these errors contribute to roughly one in ten patient deaths. A delayed referral to a specialist is one way a diagnostic error can occur.

[The Law Offices of Casey D. Shomo, P.A.](#) represents Florida patients harmed by a delayed or missed referral to a specialist. Mr. Shomo is a Palm Beach Gardens medical malpractice attorney. He has spent more than three decades litigating [malpractice cases](#) on both sides of the courtroom. He now uses that experience to hold negligent doctors and hospitals accountable. A missed referral can look like a simple judgment call. But in some cases, failing to make a timely referral may constitute medical malpractice.

Why Do Doctors Have a Duty to Refer Patients to Specialists?

Every doctor has expertise, and every doctor has limits. A primary care physician or emergency physician cannot be expected to diagnose and treat every condition personally. Part of practicing medicine safely means recognizing when a patient's symptoms point toward a problem outside that doctor's training. A family doctor, for example, may need specialist input when advanced cardiac or neurological findings fall outside the scope of primary care.

Florida law measures a doctor's conduct against the standard of care. That standard means the level of care a reasonably prudent similar provider would offer under the circumstances. [Florida Statutes section 766.102](#) sets that legal benchmark for medical negligence claims. A doctor who ignores clear signs that a specialist is needed can fall short of that standard.

Recognizing that moment is not always simple. Some conditions develop slowly, and symptoms can overlap with far less serious problems. A medical outcome does not establish malpractice simply because a doctor's reasonable judgment later turns out to be incorrect. The question is whether the doctor's conduct met the prevailing professional standard of care under the circumstances.

What Warning Signs Should Prompt a Referral to a Specialist?

Certain clinical signals should prompt any doctor to consider a referral rather than continued treatment alone. No single sign automatically requires a specialist. Doctors must weigh the full clinical picture, including test results, symptom progression and treatment response. The following situations appear often in delayed-referral malpractice cases.

- **Symptoms That Persist Despite Treatment** - When a patient's condition does not improve after reasonable treatment, that lack of progress can signal a need for specialist evaluation.
- **Abnormal Test Results Outside the Doctor's Expertise** - Lab work, imaging or other diagnostic results that point toward a specialized condition often call for a specialist's interpretation.
- **Symptoms Beyond the Doctor's Training or Practice Area** - A primary care doctor treating symptoms that suggest a cardiac, neurological or surgical problem may need to involve a specialist promptly.
- **A Patient's Own Request for a Second Opinion** - When a patient asks about seeing a specialist, dismissing that request without explanation can become relevant in a later malpractice claim.
- **Repeated Visits for the Same Unresolved Complaint** - Multiple visits without improvement or a clear diagnosis can indicate that the case has moved beyond routine care.
- **Specific Red-Flag Symptoms** - Sudden severe pain, neurological changes or other emergency warning signs may require prompt additional evaluation, testing or specialist involvement.

None of these signals alone guarantees that a referral was medically necessary in every case. Context matters, including the patient's full history and how symptoms evolved over time. Records showing that these warning signs went unaddressed often become the central piece of evidence in a malpractice claim. That is especially true when a patient repeatedly raised the same concern.

When Does a Delayed Referral Become Medical Malpractice?

Not every delayed referral amounts to malpractice. Medicine involves uncertainty, and even careful doctors may reasonably disagree about when a specialist should be involved. The legal question is not whether a referral could have happened faster in hindsight. It is whether a similarly trained doctor, facing the same information, would have referred the patient earlier.

Answering that question almost always requires a medical expert. [Florida Statutes section 766.203](#) generally requires a claimant to complete a presuit investigation. That process requires corroboration of reasonable grounds for the claim through a verified written medical expert opinion. A Palm Beach Gardens medical malpractice attorney typically arranges that expert

review early in the case. The expert compares what the doctor actually did against what the accepted standard of care required at the time.

Common breaches in these cases take a few recognizable forms. A doctor might dismiss clear red-flag symptoms without further workup. A doctor might delay ordering the test that would have prompted a referral. A doctor might also receive an abnormal result and fail to act on it. Each of these failures can support a malpractice claim, depending on the full medical record. Insurers often argue these decisions were reasonable, making expert testimony essential to the outcome.

How Do Lawyers Prove a Delayed Referral Caused Harm?

Proving a breach in the standard of care answers only part of the question. A lawyer must also show causation, meaning that the delay actually caused or worsened the patient's harm. This step often becomes the most contested part of a delayed-referral malpractice case, and it usually requires its own expert testimony.

Medical experts typically compare two timelines. One shows what likely would have happened with a timely referral and earlier specialist treatment. The other reflects what actually happened after the delay. Experts can then assess whether the delay likely caused additional, measurable harm. Even a short delay can matter when the underlying condition is aggressive or fast-moving.

Medical records, referral notes and test results from the relevant time period often become the backbone of this analysis. A qualified specialist, often in the same field the patient should have been referred to, can explain when the referral should have happened. That expert can also explain how earlier treatment likely would have changed the outcome.

What Compensation Can Patients Recover?

A delayed diagnosis or referral can change the entire course of a patient's medical future. Florida law allows injured patients to pursue financial compensation for losses caused by another party's negligence. The available categories depend on how the delay affected the patient's condition and treatment options. Some of these losses are immediate, while others only become clear months or years later.

- **Past and Future Medical Expenses** - Compensation can include the cost of treating the condition that worsened because of the delay.
- **Lost Wages and Reduced Earning Capacity** - A more advanced condition at diagnosis can mean a longer recovery or permanent limitations that affect a patient's ability to work.
- **Pain and Suffering** - Florida law allows recovery for the physical pain and emotional toll caused by a preventable delay in treatment.

- **Wrongful Death Compensation** - When a delayed referral proves fatal, certain survivors and the estate may be able to recover damages permitted under Florida's wrongful death laws. Available damages depend in part on the survivor's relationship to the deceased.

The value of a delayed-referral case depends on the specific evidence behind each loss. Medical records can document how the condition progressed before and after the missed referral occurred. A careful investigation into what the doctor knew, and when, often shapes how strong that evidence becomes.

How Long Do Florida Patients Have to File a Claim?

Florida law sets firm deadlines for medical malpractice claims, including those involving a delayed referral. [Florida Statutes section 95.11](#) generally requires a claim within two years of the incident. That two-year period can also run from when the injury is discovered or should have been discovered through due diligence.

Other possible legal filing deadlines can include:

- Medical malpractice claims carry a four-year outer deadline from the date of the incident, regardless of when the injury was discovered.
- Florida law also provides a special rule when fraud, concealment or intentional misrepresentation prevented the patient from discovering the injury. In those cases, the filing period may extend for two years from when the injury was discovered or should have been discovered through due diligence, although the claim generally cannot be brought more than seven years after the incident.

Delayed-referral cases can be difficult to recognize as malpractice right away. Patients often spend months in treatment before realizing that a specialist should have been involved much sooner. Waiting too long to investigate can permanently close the door on a valid claim. An early consultation with a lawyer can clarify the deadline before it becomes a problem. A lawyer can also help preserve evidence that might otherwise disappear over time.

How Can a Palm Beach Gardens Medical Malpractice Lawyer Help After a Delayed Referral?

Delayed-referral cases in Palm Beach Gardens and across Florida often turn on subtle medical judgment calls. Doctors and their insurers may argue that the treatment given was reasonable at the time. Sorting out what a doctor knew, and when a referral should have happened, takes careful review of the full medical record. Every case turns on details that are easy to miss without a careful, experienced review.

Mr. Shomo has spent decades reviewing medical records and specialist referrals from both sides of malpractice litigation. That experience helps him recognize when a referral was delayed, dismissed or never made at all. [The Law Offices of Casey D. Shomo, P.A.](#) can gather

those records and consult with qualified medical experts. Together, our work can build a strong case around what the doctor should have done differently.

Mr. Shomo built his practice around one core belief: We Demand Accountability. A Palm Beach Gardens [medical malpractice lawyer](#) at our firm can review what happened during your diagnosis and treatment. That review can help explain the legal options that may apply. If a delayed referral hurt you or someone you love, [contact us](#) today for a free, confidential consultation.