

When Does a Failure to Diagnose a Pulmonary Embolism Become Medical Malpractice in Florida?

A Palm Beach Gardens Medical Malpractice Lawyer Discusses Missed Blood Clots

A patient walks into a Palm Beach Gardens emergency room with sudden chest pain and shortness of breath. Doctors run a few tests, decide it looks like anxiety or a muscle strain, and send the patient home. Hours later, that same patient collapses from a blood clot in the lungs. When a [pulmonary embolism](#) goes undetected, the consequences can be fatal. And in some cases, a missed diagnosis traces back to preventable [medical malpractice](#).

The [Centers for Disease Control and Prevention \(CDC\)](#) tracks blood clots nationwide. CDC data show that up to 900,000 Americans develop venous thromboembolism each year. Venous thromboembolism (VTE) includes deep vein thrombosis (DVT), a blood clot in a deep vein, and pulmonary embolism (PE), a blood clot in the lungs. Sudden death is the first symptom for about one in four people with a pulmonary embolism. The CDC also reports that many hospital-related blood clots are preventable.

Palm Beach Gardens medical malpractice lawyer Casey D. Shomo of [The Law Offices of Casey D. Shomo, P.A.](#) understands how complicated these cases can be for everyone involved. That's because we have represented many Florida families dealing with a wide range of medical malpractice cases. Mr. Shomo has worked on both sides of [medical malpractice litigation](#). He spent years defending healthcare providers before representing injured patients and families.

What Is a Pulmonary Embolism?

A pulmonary embolism is a blockage in one of the arteries that carries blood through the lungs. The blockage is usually a blood clot that traveled from another part of the body. Many clots form first in a deep vein, often in the leg, and break loose before reaching the lungs. Once trapped, the clot can obstruct blood flow through the lungs, reduce oxygen levels and place dangerous strain on the heart.

The size and location of the clot can affect how serious a pulmonary embolism becomes. A small clot may block only a minor blood vessel and cause mild symptoms. A large clot can block a major artery and quickly reduce the oxygen reaching the rest of the body. Some patients develop multiple clots at the same time. That pattern can compound the strain placed on the lungs and heart.

Doctors classify pulmonary embolism cases by severity. Cases range from a small clot with limited symptoms to a massive clot that can cause sudden collapse. Certain factors raise a person's risk, including recent surgery, prolonged immobility, cancer treatment and pregnancy. Recognizing a pulmonary embolism quickly matters. Prompt treatment often includes

anticoagulant medication, a drug that reduces the blood's ability to clot. That treatment can stop an existing clot from growing larger.

Why Do Doctors Miss the Warning Signs of a Pulmonary Embolism?

A pulmonary embolism can resemble many other conditions. Chest pain and shortness of breath can also occur with anxiety, pneumonia, heart problems or muscle pain. A physician may initially focus on another explanation. Doctors call this anchoring bias, which means sticking with an early diagnosis despite later evidence. That type of cognitive bias can contribute to a delayed diagnosis when new symptoms or test results deserve closer attention.

Emergency rooms move quickly and patients do not always present with textbook symptoms. Some people feel only mild discomfort. Others have no noticeable leg swelling even though many pulmonary embolisms begin as a deep vein thrombosis. A deep vein thrombosis, or DVT, is a blood clot in a deep vein, usually in the leg. Doctors must consider the full clinical picture instead of relying on one symptom.

A normal chest X-ray or EKG can also create false reassurance. An EKG, or electrocardiogram, records the heart's electrical activity. Neither test can rule out a pulmonary embolism by itself. Doctors should weigh symptoms, vital signs, medical history and clot risk before deciding whether more testing is appropriate. Florida malpractice law evaluates those choices against the prevailing professional standard of care under the circumstances.

What Symptoms Should Prompt Testing for a Pulmonary Embolism?

Recognizing warning signs of a pulmonary embolism can help doctors identify patients who need a closer evaluation. No single symptom proves a clot is present. Doctors should consider several symptoms, vital signs, risk factors and overall clinical probability. According to the [CDC](#), warning signs of a pulmonary embolism can include:

- **Sudden Shortness of Breath** - Sudden breathing difficulty is a recognized warning sign of pulmonary embolism and deserves attention in the patient's overall clinical assessment.
- **Sharp Chest Pain That Worsens With Breathing** - Chest pain that becomes worse with a deep breath or cough is a recognized pulmonary embolism symptom.
- **A Rapid or Irregular Heartbeat** - A faster than normal or irregular heartbeat can occur with a pulmonary embolism and may add to clinical concern.
- **Swelling, Warmth, or Pain in One Leg** - These symptoms can point to a deep vein thrombosis, which can break loose and travel to the lungs.
- **Coughing Up Blood** - Coughing up blood is a less common but potentially serious symptom that can occur with a pulmonary embolism.

- **Sudden Lightheadedness or Fainting** - Very low blood pressure, lightheadedness or fainting can occur with a pulmonary embolism and require immediate medical attention.

No single symptom or combination of symptoms automatically proves that a patient has a pulmonary embolism. Doctors must consider symptoms alongside vital signs, medical history, clot risk and overall clinical probability.

What Tests Can Confirm or Rule Out a Pulmonary Embolism?

A D-dimer blood test measures a substance released as the body breaks down blood clots. Doctors often use it when a patient's clinical probability of pulmonary embolism is low or intermediate. A negative result can help rule out a clot in an appropriate patient. A positive result does not prove a pulmonary embolism. It usually means the doctor must consider the result with the patient's risk and other findings.

CT pulmonary angiography is a specialized scan that uses contrast material to show blood vessels in the lungs. Doctors commonly use it as the primary imaging test for many suspected pulmonary embolisms. Physicians may also use [clinical prediction tools](#), including the Wells criteria, a scoring method that estimates a patient's probability of having a clot. Those tools can guide whether D-dimer testing or imaging is appropriate rather than sending every patient directly to a CT scan.

Some patients cannot safely receive the contrast material used for CT pulmonary angiography. Doctors may consider a ventilation-perfusion scan, often called a V/Q scan, in those situations. This test compares airflow and blood flow in the lungs. The proper diagnostic pathway depends on the patient's condition and risk. Florida law does not make every failure to order an additional test medical malpractice.

When Does a Missed Diagnosis Become Medical Malpractice Under Florida Law?

Not every missed diagnosis amounts to malpractice. Medicine involves uncertainty and careful physicians can sometimes reach the wrong conclusion. Florida law focuses on negligence, which means a failure to use the level of reasonable care the law requires. In medical cases, that question centers on the prevailing professional standard of care. That standard looks at what reasonably prudent similar healthcare providers would have done under comparable circumstances.

[Florida Statutes Section 766.102](#) sets that legal benchmark. A patient generally must show that a healthcare provider departed from the accepted level of care, skill and treatment. The law also recognizes that doctors have judgment in diagnosis and treatment. Section 766.102 states that failing to order a supplemental diagnostic test is not actionable when the provider acted in good faith and with due regard for the prevailing professional standard of care.

A pulmonary embolism claim therefore requires more than showing that a doctor did not order a D-dimer test or CT scan. Medical experts review the symptoms, risk factors, vital signs and

information available at the time. They may ask whether another reasonably prudent provider would have pursued additional testing. They also consider whether the doctor documented a reasonable basis for the diagnostic approach and responded appropriately as the clinical picture changed.

How Do Lawyers Prove Delayed Treatment Caused Harm?

Proving a breach of the standard of care answers only part of the legal question. A patient must also establish causation, which means showing that the medical error caused the injury or made it worse. This issue can become especially important when a pulmonary embolism was already developing before the missed diagnosis. The case must connect the delay in diagnosis or treatment to additional harm that likely could have been avoided.

Medical experts often compare two timelines. One timeline shows what likely would have happened with a timely diagnosis and appropriate treatment. The second shows what happened after the delay. Doctors commonly treat pulmonary embolism with anticoagulant medication, which reduces the blood's ability to form or enlarge clots. Experts may assess whether earlier treatment likely would have prevented collapse, organ damage, prolonged hospitalization or another measurable injury.

Hospital records, imaging studies, laboratory results and nursing notes can help reconstruct that timeline. Lawyers also examine vital signs, discharge instructions and communications among the medical team. Pulmonology, emergency medicine or other qualified experts may identify when the symptoms should have changed the diagnostic approach. Their opinions must address both the standard of care and the connection between the alleged failure and the patient's resulting harm.

What Compensation Can Victims and Families Recover?

Families affected by a missed pulmonary embolism diagnosis can face serious financial and personal losses. Florida law may allow an injured patient to pursue damages, which means money intended to compensate for losses caused by negligence. Such compensation can include money for:

- **Past and Future Medical Expenses** - Recoverable costs may include hospital care, medication, follow-up treatment, rehabilitation and medically necessary monitoring related to the injury.
- **Lost Wages and Diminished Earning Capacity** - A prolonged recovery or lasting limitations may reduce the patient's income or ability to earn money in the future.
- **Pain and Suffering** - Florida law may allow compensation for physical pain, emotional suffering and loss of normal activities caused by the malpractice-related injury.

- **Wrongful Death Damages** - Florida law allows certain survivors and the estate to seek specific losses after a medical-negligence death. The available damages depend on the survivor's relationship to the deceased. Florida law also restricts certain wrongful death damages in medical-negligence cases. For example, adult children and parents of adult children cannot recover certain damages for mental pain and suffering or loss of companionship that may be available in other wrongful death cases.

The value of a malpractice claim depends on the evidence behind each loss. Medical records and bills can document treatment costs. Employment records can show missed income or reduced earning ability. In a wrongful death case, [Florida Statutes section 768.21](#) matters because the survivor's relationship to the patient affects which categories of financial recovery may be available to spouses, children, parents and the estate.

How Long Do Florida Patients Have to File a Claim?

[Florida Statutes Section 95.11](#) sets several deadlines that can affect a medical malpractice claim. The general limitations period is two years. That period can run from the medical incident or from when the injury was discovered, or should have been discovered through reasonable diligence. A statute of limitations is a filing deadline. Missing it can prevent a court from hearing an otherwise valid claim.

Florida also has a four-year statute of repose for most medical malpractice claims. A statute of repose creates an outside deadline tied to the medical incident itself, even when the patient discovers the possible malpractice later. The four-year period does not bar a claim brought for a minor child on or before the child's eighth birthday. That exception can matter when an injury affects a young patient.

Fraud, concealment or intentional misrepresentation can create another exception. If that conduct prevented discovery of the injury, Florida law can extend the deadline for two years after discovery. The claim generally still cannot be filed more than seven years after the incident. The seven-year limit also does not bar a claim brought for a minor on or before the child's eighth birthday. These rules make the actual deadline highly fact specific.

How Can a Palm Beach Gardens Medical Malpractice Lawyer Help After a Missed Pulmonary Embolism?

Pulmonary embolism malpractice cases in Palm Beach Gardens and throughout Florida often involve difficult medical and legal questions. The records may span an emergency room visit, laboratory work, imaging and later hospital treatment. A lawyer must determine what each provider knew at each stage. The case may also require qualified medical experts who can explain whether the diagnostic choices met accepted standards of care.

Mr. Shomo brings extensive experience from both sides of medical malpractice litigation. He spent years defending hospitals, physicians and other healthcare providers before shifting his

practice to injured patients and families. That background helps him evaluate the defenses an insurer may raise.

[The Law Offices of Casey D. Shomo, P.A.](#) can gather medical records, consult appropriate experts and build evidence about the missed diagnosis, resulting treatment and harm. A Palm Beach Gardens [medical malpractice lawyer](#) at our firm can review the care surrounding a missed pulmonary embolism and explain which legal options may apply. Learn more about your legal options. [Contact us](#) for a free, confidential consultation. A careful review can help determine whether you might have a medical malpractice claim.