



# Injured in connection with medical treatment or medicine?

Find out if you are entitled to compensation

Apply for compensation electronically at  
[www.patientsstatningen.dk](http://www.patientsstatningen.dk)

Follow the progress of your case until  
we decide whether you are entitled to  
compensation or not.

At [www.patientsstatningen.dk](http://www.patientsstatningen.dk)  
you can also find information  
about your right to compensation.

# Are you covered?

**Everyone** who receives treatment or purchases medicine in Denmark is covered by the Patient Compensation Association and can apply for compensation for an injury sustained as result of the treatment or the medicine.

Being harmed after treatment or use of medicine can occur:

- at the hospital
- at your GP
- at a nursing home
- at a disability care home
- or in other situations

All medical treatment and medication are covered, no matter where the treatment has taken place. Nor does it matter if the treatment has taken place in a public or private institution..



# Treatment injuries

You may be entitled to compensation if you have suffered physical or psychological harm in connection with:

- misdiagnosis
- delayed examination and treatment
- treatment for the illness
- an operation
- a rehabilitation program
- health care

A treatment injury normally occurs at a hospital, at your own GP, or at a specialist. However, it may also happen at other places such as at a health centre or in a nursing home. The injury could for example be caused by insufficient/inadequate wound care, an injury sustained during a rehabilitation programme, or after an error in medication.

You can apply for compensation even if you feel that the healthcare professional did their best. The Patient Compensation Association will only investigate whether you have been injured and are entitled to compensation. We do not assess the medical personnel.

You may also be entitled to compensation even though you agreed to receive treatment that you knew involved a risk.



At [www.min.medicin.dk](http://www.min.medicin.dk) you can find information about almost all medicines and their side effects.

# Medicinal injuries

You may be entitled to compensation after an injury caused by medicine or due to an error in medication.

A medicinal injury may occur while you are hospitalized or after you have been discharged.

You do not necessarily have to have been admitted to hospital as a patient to be entitled to compensation. For example, it is possible for an otherwise healthy woman to claim compensation for some severe side effects from birth control pills. Or, for instance, a resident in a nursing home may also be able to get compensation after sustaining a medicinal injury.

You can apply for compensation for serious, rare physical or psychological injuries that are caused by severe side effects from a medicine, even if the side effects are stated in the patient information leaflet.

You cannot get compensation in the event of mild side effects which often disappear quickly again after the body has got used to the medicine. All medicines have side effects.

# How to apply for compensation

You can apply for compensation in the following ways:

- Register electronically at [www.patientsstatningen.dk](http://www.patientsstatningen.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 Patient Compensation Association and ask to have a claim form sent to you.

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





# How is a case assessed?

The normal rules for assessing cases are as follows:

- *The specialist rule:*  
If we assess that an experienced specialist in the specific area would have acted differently and your injury could thereby have been avoided, you will be entitled to compensation
- *The fairness rule:*  
If everyone has acted correctly and thereby no mistake has been made, but you are still left with extensive complications which exceed what might, in fairness, be endured – you may still be entitled to compensation under this rule.

We assess the severity of the illness you were receiving treatment for. In this respect, the more serious the illness, the more complications you are expected to endure while you are being treated without giving you the right to claim compensation for these complications.

- *The device rule:*  
If the injury has been caused by a fault in technical equipment (for example a defect x-ray machine, syringe, or prosthetic), you are entitled to compensation under this rule.

# Your compensation

If you are awarded compensation for your injury, the law gives you the right to compensation for the following, where applicable:

- loss of ability to work
- lost earnings
- pain and suffering
- permanent injury
- medical expenses and other losses

If the injury results in death, compensation may be sought by dependants for the loss of the provider, as well as funeral expenses and payment of a transitional sum to the surviving relatives.

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.

# Good to know

## **Limitation period**

According to the law, an injury case may be too old for compensation, and in this case, the Patient Compensation Association will refuse to assess the claim. Two limitation periods apply:

- 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 invalid.
- 10 years: If more than 10 years have gone by since you received treatment or medicine for an illness, the case is always invalid.

## **Treatment or medicine received abroad**

The right to compensation can only be granted if you were treated in Denmark, or if the medicine you received were handled and purchased in Denmark or via a Danish website.

Treatment injuries sustained abroad will only be covered if you were referred by the Danish public health service.

## **Dental injuries**

If you sustain an injury while receiving dental treatment, you must report the damage to the Danish Dental Association's Dental Injury Compensation Scheme at [www.tf-patientskade.dk](http://www.tf-patientskade.dk)

# Patient compensation

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

The Patient Compensation Association also deals with medicinal injuries.

Everyone who has been treated is covered by the compensation scheme.

It is free of charge to apply for compensation to the Patient Compensation Association.

Learn more about the Patient Compensation Association and your rights at [www.patienterstatningen.dk](http://www.patienterstatningen.dk)

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