Abstract:

**Background:** Medical negligence are all mishaps which occur during medical treatment negligent; in the sense that a doctor was guilty of careless or incomplete action. Despite of struggle of physician and health workers and progression in technology of treatment; the claims for negligent medical treatment have escalated greatly in recent years in Iran.

**Material and methods:** We reviewed 3485 medical malpractice cases reported to the Tehran medicolegal commission between 1993 and 2005 and examined the decisions made by the Tehran medicolegal commission.

**Result:** Only two of these cases (defendants) were endocrinologist (0.05%). Finally, two above-mentioned defendants (endocrinologist) were acquitted.

**Recommendations:**
We are of the opinion that an emphasis on the use of diagnosis and therapy protocols, standards, post-graduation education, clear and informed patient consent, and improved communication with patients will drastically decrease medical malpractice claims.

**Key words:** medical malpractice, Negligence, Islamic punishments

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