



حازم المدني
Hazim Al Madani
محامون ومستشارون قانونيون
Attorneys & Legal Consultants

Class action brought against doctor for Medical Negligence and Violation of Medical Procedures





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Background:

The Plaintiffs lodged a complaint against our Client (a Doctor by profession) before the Legal Medical Authority (LMA) in Riyadh, claiming that their mother had suffered internal hemorrhage due to application of a medicine prescribed mistakenly to her by our client.

Summary:

The case dates back when the Plaintiffs submitted a complaint to the management of the hospital against some physicians working in the hospital alleging that their mother had sustained internal bleeding owing to taking a medicinal drug handed to her erroneously by the pharmacy of the hospital. The complaint then was forwarded to the LMA for an action to be taken.

Details:

The Plaintiff, in his capacity as the legal representative of the remaining plaintiffs, lodged a complaint against a number of doctors to the management of the hospital (M), stating that their mother had suffered internal bleeding because of using a medicine handed out to her wrongly by the pharmacy of the hospital.

The complaint has then forwarded to the LMA so as to investigate and take the requisite action in this regard. On examining the matter, the LMA found out that the said patient suffers from multiple chronic diseases, and the medical procedure adopted in treating such a case was similar to the one followed worldwide by prescribing a medicine called “S”, however the medicine was given to the patient other than what was written in the prescription.

The Plaintiff filed a complaint against our client in which it is claimed that he got a medicine prescribed to his mother wrongly, which caused her internal bleeding. The Plaintiff demand to bring our client to account for the wrongful medical practice.

After examining the complaint, a report on the same was prepared by the medical committee. We submitted a proof that has refuted any causality between the doctor’s action and the harms sustained by the patient.

We explained to the committee that the act done by our client did not cause any harms to the patient, as claimed by the plaintiff. We stated to the committee that “The patient did not suffer any bleeding, direct harm, or even any complications, so the procedure performed by our client did not result in any harms to the patient,”.

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We stuck to our demand to dismiss the case and clear our client of any charges pressed against her, since members of the LMA could not detect any negligence by our client in such a case, although a wrong medicine other than the one medically prescribed was handed out; And,

Since the medical error was contained by the treating doctor and did not result in any harms to the patient; And,

Since a criminal proceeding was not instituted against our client, which could be dropped/expire by statute of limitations; And,

Since it became very evident before members of the LMA that such alleged negligence did not cause death, loss of organ, or loss of any benefits,

THEREFORE,
LMA ruling:

The case filed by the Plaintiff (of private right) on his behalf and on behalf of other Plaintiffs, has been dismissed for the grounds hereinabove stated.

Ruling date:2019

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Readers who seek professional legal advice, can write to us at:
info@almadanilaw.com

Riyadh
Office No.11
567 Al- Righi Building - Salah Al-Deen Street (60st) Malaz,
P.OBox:10083 Riyadh:11433
T:+966 (11) 479 1355 | FAX: +966 (11) 4783171

Jeddah
Office No.2601
7113 Al-Andalus Plaza – King Fahd Rd, Mishrifah District,
P.OBox:9078 Jeddah:23336
T: +966 (12) 639 9939

