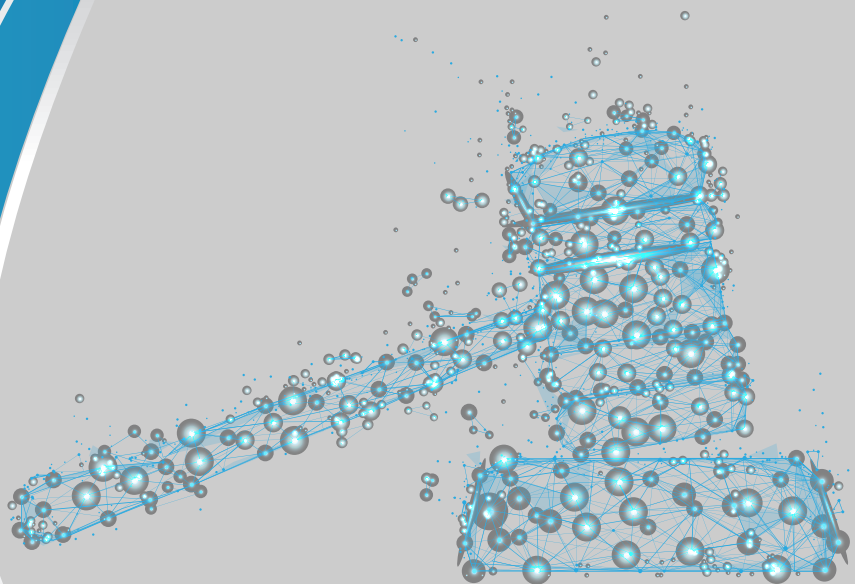




حازم المدني  
Hazim Al Madani  
محامون ومستشارون قانونيون  
Attorneys & Legal Consultants

## Compensation of damages for medical negligence of labour and delivery





## Compensation of damages for medical negligence of labour and delivery

The Plaintiff demanded the medical team and the hospital to pay the legal Diya (blood money) as well as the compensation for damages sustained for present and future complications.

### Summary:

The cause of action, our client, had been the duty doctor at the delivery section of a hospital when the wife of the plaintiff was admitted for labour and delivery.

Upon admission at the hospital, the plaintiff's wife was diagnosed by our client who was the duty doctor at that time. Having examined her, our client asked the nurse to take care of the patient and told her to administer her with an injection as she was suffering pains.

However, the baby's heartbeat was not good. So, our client called for a specialist, who showed up late and did not consider how serious the situation was, which led the baby to be born without any vital signs. When born, the baby was not breathing because the umbilical cord had twisted around its neck.

### Details:

We submitted a memorandum of reply against the claims made by the plaintiff before the Legal Medical Authority, which is authorized to review the cases filed against hospitals and private clinics in Riyadh, in which we brought to the Court knowledge that our client has been working for the hospital for 35 years during her service she never faced with such a medical complications.

We stated also in our reply that our client was assigned in a medical position where she was in charge of the first level out of three levels in the delivery section, and this level is tasked with taking care of patients and performing normal and uncomplicated delivery operations.

On that day, our client was the only duty doctor at the delivery section. She was handling the medical situation of the plaintiff's wife, who was admitted in the hospital when the baby's vital signs and heartbeats were fine.

45 minutes later, our client went back to examine the patient once again when she found her cervix opened—a matter, which denotes that a woman is on the brink of delivery— and she was suffering labour pain. Our client instructed the nurse to look after the patient and give her a painkiller until she (our client) completes her routine check with other patients admitted within the same delivery section.

Our client then checked another diabetic patient, who was on labour pain. There was also one more patient, whose medical situation was extremely serious as she had caesarean delivery before and she was about to give delivery any time.

When our client went back to the plaintiff's wife, our client was again called to check the diabetic patient, who was in active labour stage.

While our client was engaged handling the delivery of the diabetic patient, the nurse informed our client that the heartbeats of the baby of the Plaintiff's wife was not stable. Since our client was already pre-occupied with the delivery of the other patient, whose medical status was at risk, she requested for a specialist on an urgent basis as the plaintiff's wife may need a complicated delivery operation, which was beyond our client's areas of specialty, and it was a routine procedure.

Once our client concluded the delivery of the other patient, she promptly headed to the plaintiff's wife and found that the specialist called for did not attend the delivery. Our client then insisted on calling for a specialist and a paediatrician, with no other options our client prepared herself to handle the delivery of the plaintiff's wife.

Finally, the plaintiff's wife gave birth to a baby, but health of the baby was deteriorated, which our client to look after the baby without presence of specialist and the paediatrician.

However, the baby sustained 100% disability because the navel string was twisted around the baby's neck.

#### Court Ruling:

The court cleared our client of the charges pressed against her on the following grounds:

- 1- It was not proved that our client was neglectful towards the plaintiff's wife and that she failed to fulfil her duties.
- 2- The case lacked the pillars of the due civil liability to force the defendant to pay for the damages.
- 3- There was no direct connection between the complications sustained and the conduct of our client since the baby's health had deteriorated because of the twisted umbilical cord, which turned around the baby's neck– a matter, which our client has nothing to do with.

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

