



**Medicine,
the Law
& You**

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THE GENESIS: A mother died after a blood transfusion. It was later discovered she had been given blood of a group that was not compatible with hers. Court found Mulago hospital guilty of the offence.

Three parties were dragged to the Civil Division of the High Court of Uganda when a mother died in the Intensive Care Unit of Mulago National Referral Hospital shortly after a caesarean section to deliver her fourth baby. The parties were the hospital, the surgeon and the organisation that provided antenatal services to the deceased.

The mother had had two similar operations before. In the course of the fourth pregnancy, she bled as a result of an abnormal lie of the placenta, a known complication of repeated operations of the uterus.

At one point the bleeding was so profuse that the obstetrician attending to the patient decided to operate on the mother to save her and the baby. Unfortunately during the operation the mother continued to bleed profusely to the extent that she needed an urgent blood transfusion.

Her antenatal card indicated that she was of blood group B+ and the

Death following wrong blood transfusion: Hospital blamed

only blood available in theatre was blood group B+ which was given to her. The unknown truth was that the mother's blood group was O+ and she should never have been given any other blood group except O+.

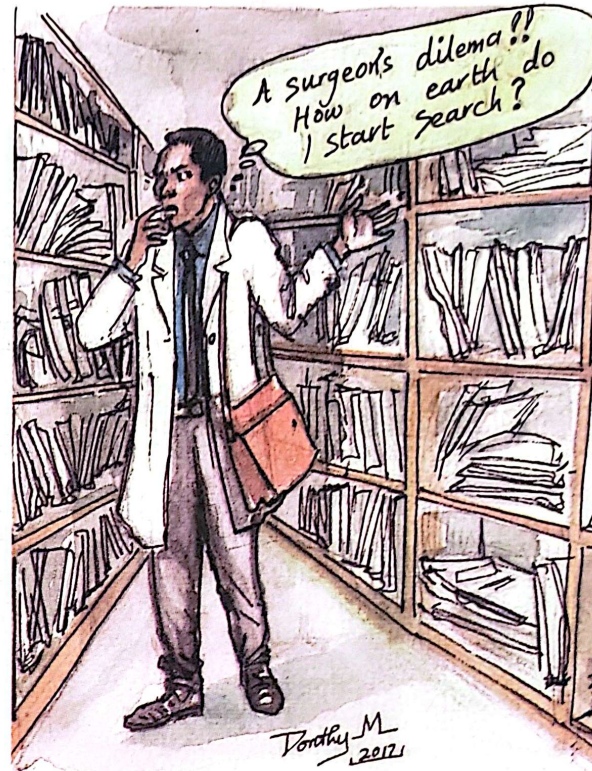
It was not clear how much of the blood group B+ she actually received. Even at postmortem it could not be established whether the mother died as a result of the excessive bleeding or the wrong blood transfusion.

The antenatal service provider was not found to have been negligent as there was no proof that the antenatal card with the wrong blood group was given by the service provider. Instead court heard that the mother had been asked to carry out a number of blood tests by the surgeon but there was no evidence that the doctor's instructions were complied with.

Court also ruled that the surgeon was not negligent as her actions were in the best interest of the patient and that the transfusion of the mother with a wrong blood group was not a case of a wrong blood group being mistakenly transfused but a desperate and well intentioned action aimed at saving the life of the deceased.

Hospital guilty

Mulago hospital was found to be the main culprit in this case. The presiding judge noted with concern that although there is a general shortage of blood in the country, Mulago hospital inclusive, this fact was not



Shs274m

THE AMOUNT IN SHILLINGS MULAGO PAID THE FAMILY OF DECEASED WAS PAID IN DAMAGES AND COMPENSATION.

brought to the attention of the deceased and her family as patients that had made a choice to have their baby delivered at the hospital.

Family members and well-wishers made frantic efforts to donate blood to the deceased in order to save her life but to no avail. Court was shocked that Mulago hospital does not have provision for onsite blood donation.

The hospital's defence was that such blood needed to be screened first before it can be used. To the judge the failure of the hospital to find innovative ways and means of addressing the shortage of blood of all groups means that patients literally bleed to death in the hospital.

Court also recommended that there needs to be an efficient and effective communication system within the hospital to manage medical emergencies. Without such a system valuable time is lost when trying to save the life of a patient such as the deceased who was bleeding heavily. To court, the absence of such a system in this particular case meant that the hospital breached the duty of care it owed to the deceased and her family.

Negligence cited

To court, Mulago hospital is also expected to maintain and keep proper records of its patients especially when such patients have visited and used the services and facilities on a number of previous occasions. When court perused the deceased's medical records, it found that the deceased had three previous deliveries in the hospital and yet there was no record of her blood group.

Court, therefore, understood the predicament of the medical team that was operating on the patient, especially when confronted with the patient's emergency situation. The team was therefore not in a position to question the accuracy of the blood group as quoted on the antenatal card.

One of the main reasons for a medical negligence suit is to obtain appropriate and adequate financial compensation. The family was awarded Shs274,365,000 as compensation. This included compensation for loss of dependency, special and general damages.

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