

A BILL

FOR

AN ACT TO AMEND THE MEDICAL AND DENTAL PRACTITIONERS ACT, CAP M8. LAWS OF THE FEDERATION 2004, TO MAKE PROVISIONS FOR COMPENSATION FOR MEDICAL MALPRACTICE AND NEGLIGENCE AND FOR CONNECTED PURPOSES THERETO 2015

Sponsored by Hon.Kingsley Obinna Orwubuariri

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria follows:

1 1. The Medical and Dental Practitioners Act, Cap. M8, Laws of the
 2 Federation of Nigeria, 2004 (in this Act referred to as the "Principal Act") is
 3 amended as set out below:-

Amendment of the
 Medical and Dental
 Practitioners Act
 Cap. M8, LFN
 2004

4 2. Section 1, subsection (2) of the Principal Act is amended by
 5 inserting immediately after paragraph (c) a new paragraph (d) as follows and
 6 renumbering the subsequent paragraphs accordingly:
 7 Subsection (2), paragraph (d)-
 8 publishing and reviewing from time to time a compendium of the surgical or
 9 medical procedure or other course of treatment and standard of medical
 10 practice required of a medical practitioner.

Amendment of
 Sub-section 2(2)

11 3. The Principal Act is amended by inserting immediately after
 12 section 14 the following new sections 15, 16, 17, 18, and 19 as follows and
 13 rearranging the subsequent sections accordingly;-

Insertion of new
 Section 15 to 19

14 15. A medical practitioner shall not be immune from liability for
 15 damages or injury attributable to his negligence while acting in his capacity
 16 as a medical practitioner, and any provision in any enactment or contract
 17 purporting to exclude or limit or shield a medical practitioner in Nigeria
 18 from that liability shall be void.

Liability for
 Negligence

- Insurance 1 **16.** A medical practitioner shall maintain a Professional Liability
2 Insurance cover against damages or injury attributable to his negligence,
3 professional malpractice, deviation from standard of medical practice or the
4 negligent act or omission of his employees.
- Compensation 5 **17.** A person or his/her legal guardians shall be entitled to
6 compensation from a medical practitioner when his health situation worsens or
7 death occurs to his/her person due to a mistake or negligence on the part of the
8 medical practitioner or where the medical practitioner deviates from the
9 standard medical practice and it results to serious injury or complication or
10 death to the person's health.
- 11 **18.** In a civil action for professional negligence, personal injury or
12 wrongful death against a medical practitioner, a person shall establish that the
13 medical practitioner's negligence, deviation from standard procedure,
14 performance or a wrong procedure or improper treatment resulted in the
15 alleged injury or death.
- Liability for 16 **19.** A medical practitioner shall be liable for the negligent acts of his
employee's 17 employee if the employee was acting within the scope of his employment when
negligence 18 the negligent act or omission occurred.
- Interpretation 19 **4.** Section 21 of the Principal Act is amended by inserting the
20 following new definitions:
21 "medical practitioner" shall for the purpose of sections 15 to 19 of this Act
22 include; a health facility, hospital, clinic, employees of the health facility,
23 nurses, midwives, caregivers and any other personnel employed by the medical
24 practitioner, health facility, clinic or hospital whether privately or public
25 owned or otherwise;
26 "legal guardians" means any person standing in the position of parents, spouse,
27 relation, or legal representative to a person undergoing treatment by a medical
28 practitioner;
29 "standard of medical practice" means acceptable standard of medical
30 procedure and course of treatment an average medical practitioner is expected

1 to follow in the course of treatment for an ailment, disorder, disease or
2 infection including the state of the course of medical treatment, surgical
3 operation or alternative course of treatment, as well as the risks and benefits
4 of that course of treatment.

5 5. The Act may be cited as the Medical and Dental Practitioners Citation
(Amended) Act 2015.

EXPLANATORY MEMORANDUM

This Bill seeks to strengthen the security of human life by providing for compensation for injuries or death suffered as a result of a medical practitioner's or medical facilities' negligence, which compensation shall be made out of the medical practitioner's Insurance Cover.

