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Entitled

CIVIL LIABILITY FOR BLOOD TRANSFUSIONS A STUDY IN UAE LAW

By

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Abstract

This study deals with what results from a contaminated blood transfusion of the blood donor or the patient receiving the blood, and the development of civil and medical liability for the cause of the error, whether from the blood transfusion center, the hospital or the doctor and his assistants. Where we dealt with the legal basis for blood transfusion with its three theories. And what is the nature of the doctor's commitment to the transfusion. Then clarify the medical error of the transfusion for all parties liable, the damage that may result from a contaminated blood operation, and the causal link between the transfusion error and the damage. We have addressed the effects of civil liability for blood transfusions from compensation and the extent to which medical liability insurance covers the damage caused by blood transfusions.

One of the most important findings of this study is that the injured person does not bear the burden of proving the harm caused by the blood transfusion. Rather, blood contamination, meaning damage, is sufficient, and the defendant must deny his responsibility proving the foreign cause. And the importance of the Medical Commission's reports, given the difficulty of assessing the damage to contaminated blood for the judge, helped him to determine the appropriate amount of compensation. It is mandatory to insure against medical errors imposed by the United Arab Emirates legislator on anyone working in the medical field in all medical establishments within the State, which contribute significantly to the preservation of the right of the injured person to compensation and the right of the insured person not to prejudice his personal financial responsibility.

One of the most important recommendations was made at the conclusion of the letter. We propose to the legislator to add a section on blood transfusion in Federal Act No. 5 of 2016 on the regulation of the transport and transplantation of human organs and tissues. Or the legal reformulation of Cabinet of Ministers Decision No. 28 of 2008 on blood transfusions, all legal wording that allows the plaintiff before the judiciary to seek legal assistance from it.

Keywords: Blood transfusions, civil liability for medical errors, doctor's obligation, damages arising from contaminated blood transfusions, compensation, medical error insurance.