

Hospital to pay for negligence

Justice has finally prevailed, however belatedly, for Burin Sereeyothin, his three children and the parents of his deceased wife, Jureerat. After 16 years of a costly legal battle through all three courts of justice, the Supreme Court finally found Samitivej Plc, which owns Samitivej Hospital, and two doctors guilty of wrongful action amounting to medical malpractice which led to the death, in hospital, of Mrs Jureerat during delivery. The child did not survive.

The three defendants were ordered by the court to jointly pay the Sereeyothin family 8.3 million baht in compensation, plus 7.5% interest, against the family's demand for 700 million baht in compensation. The three defendants were also ordered to pay the family's legal fees, which totalled 150,000 baht.

No sum of money can compensate for the death of a human being. The Sereeyothin family were not after money. What they sought all along was justice for the victim. After the verdict was announced, Mr Burin said he wanted the case to be a "beacon of hope" in whose light all patients may clearly see that they have rights, and that all medical practitioners must adhere to proper ethics while complying with medical standards in their treatment of patients.

Mrs Jureerat, the victim, was admitted to Samitivej Hospital in Bangkok on Sept 6, 1995, in order to give birth. She went into labour the following day and was given an injection. On Sept 8, the pains returned and the patient succumbed, after amniotic fluid which had entered her blood stream led to heart failure.

In delivering its verdict, the Supreme Court ruled that the two doctors in question, anaesthetist Dr Suphak Janjampee and obstetrician Dr Chalot Tujinda, were negligent for having left the patient in the care of nurses who were not familiar with anaesthetics. Had the two doctors been with the patient, they would have detected the complications caused by the anaesthesia.

The court said the two doctors were in breach of the constitution regarding human dignity, for their failure to keep a record of the patient's changing symptoms.

The court also found the result of the Medical Council's probe into the case questionable. It said the findings reached by the council's two panels conflicted with each other and the penalty meted out by the council against the two doctors — probation and a warning — was too lenient.

The Sereeyothin family are among the lucky few who have had the perseverance and the means to fight a lengthy legal battle against not just a well-known hospital and its two doctors but also against the Medical Council, which has always shown more partiality towards physicians than patients as far as medical malpractice lawsuits are concerned. One thing medical professionals should understand is that most patients and their families do not want to take doctors to court. The legal procedure is both time consuming, costly and mentally taxing. The Sereeyothin family's case took 16 years before they found closure. The few who have sought redress from the courts have been those who strongly felt they had been unfairly treated, not just because they had lost loved ones or witnessed terrible suffering as a result of medical malpractice, but also because the doctors and hospitals concerned rarely accepted responsibility for their errors. In the normal run of things they never even apologise.

The Supreme Court's verdict in this case may not have set a precedent regarding medical malpractice,