



حمدان الكعبي
Hamdan Al Kaabi

Advocates & Legal Consultancy
للمحاماة و الاستشارات القانونية

MEDICAL
LIABILITY
LAW IN UAE

www.hkadvocates.com



Civil Damages To Be Awarded In Case Of Medical Liability

There are three requirements to prove medical liability as stated below:

- ✍ A gross medical error which must be proven by the Medical Liability Committee.
- ✍ The damages must have sustained as a result of medical error.
- ✍ The extent of damages must be quantified.

The amount of civil damages shall be awarded by the court, to the extent it deems fit at its exclusive discretion taking into consideration the economic as well as moral damages.

Healthcare Facilities / Healthcare Providers

Article 25 read with clause 26 of the Law prohibits a practicing professional to practice in the United Arab Emirates without first obtaining civil liability insurance against medical errors as well as professional risks resulting from practicing the profession, from a licensed insurance company registered in UAE.

Without prejudice to the right of individual to take recourse against the practicing professional for medical malpractice, the aggrieved party suffering from the gross medical error of the professional, shall also have the right to claim compensation from the health facility or hosting service provider within whose facility the practicing professional was carrying out his practice.

The owners of the healthcare are themselves responsible to bear the full cost of insurance premium in all cases.

Subrogation: The insurance companies shall be legally subrogated to the rights and obligations of the healthcare facilities and the insured professional.

SCOPE OF LEGAL SERVICES

Our team is committed to offer the below Scope of Legal Services with utmost skill, due diligence and professionalism:

For the doctors/healthcare professionals/physicians -

- To represent them before the **Medical Liability Committee** and defend them against the medical malpractice.
- To **facilitate settlement** between the aggrieving patients and the practicing professional.
- To assist them in handling **labour relationships** with their employers/healthcare providers.
- To obligate the healthcare providers to **obtain insurances** for the practicing professionals and pay regular premiums.
- To assist the professionals in submitting claims before the insurance companies and representing them before the **insurance authority** including **sending of legal notices**.

For the healthcare providers/private institutions -

- To **defend** the healthcare providers from any liability as a result of **medical malpractice of the professional practitioner**.
- To assist the healthcare providers in submitting claims before the insurance companies and representing them before the **insurance authority** including **sending of legal notice**.
- To enable the providers to resolve labour disputes including representation before the court.

In general, we provide legal advisory and handle all kinds of the claims, disputes and cases concerning Medical Liability before the civil as well as criminal courts of UAE.



HK ADVOCATES

We, Hamdan Al Kaabi, Advocates and Legal Consultancy ("HK Advocates") are delighted to have an opportunity to provide our legal expertise and skills to your Company and are pleased to provide you our professional legal services.

HK Advocates has experienced lawyers who have demonstrated commitment to their projects in all the Emirates of UAE, including but not limited to Abu Dhabi, Dubai, Sharjah, Ras Al Khaimah.

This document stipulates the comprehensive, broad and wide-ranging legal services to meet all your requested legal requirements and attend to all your legal needs.

The working relationship between your Company and Hamdan Al Kaabi, Advocates and Legal Consultancy ("HK Advocates") shall be based on the premise that HK Advocates shall act as the legal consultant for your Company and that your Company can communicate for different services in the manner including but not limited to email, telephone, documentation, physical meeting, virtual meeting and so on.

HK Advocates shall always be on its toes to serve your Company with the best possible legal services and is known to provide regular updates to fullest satisfaction of its client.

We are eager to provide you with our legal services, thereby enabling you to concentrate on the smooth working of your business activities and achieving your goals.



OUR TEAM

Our legal team responsible for matters relating to Medical Liability Law are highly competent as they stay upto date with the legislations and regulatory amendments announced for this industry, allowing our firm to provide its clients with highly relevant advice and legal services. The diligent teamwork and years of specialized experience in the sector is a key to providing best Medical Liability related Legal Services.



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