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Letter to the Editor

Medical Negligence on the rise in the Gambia

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As an international student Barrister-at-Law at the Gambia Law School, I am concerned with the recently reported media cases of alleged medical negligence in the Gambia healthcare system. It appears the healthcare authorities are unconcerned with the recent public outcry of alleged medical negligence.

The good news is that I found some of the cases ended up in the courts with interesting decisions also reported in the media. For instance, the first case was reported by What's on the Gambia.¹ In this case, a nurse was jailed for medical negligence.

The story held that a pregnant woman, Isatou Bah visited Brikama Health Centre, in November 2013 to seek help. She was heavily pregnant and in pain, but the nurse decided to send her away.

Isatou pleaded and pleaded for help until she was allowed to stay in the labour ward. But that was not the end. The nurse asked for D1,800 from her husband, who later gave her D400 and promised to pay the rest. Despite paying D400, Isatou was left unattended. She delivered on her own, and sadly the baby fell on the floor and later died.

The second reported case of alleged medical negligence was reported by the same online portal² on 11th September 2021. In this case, Fatoumatta Bah was 7 months pregnant

when she died at the Edward Francis Small Teaching Hospital.

The third reported³ case of alleged medical negligence was attributed to a story published by the Voice Newspaper on October 13, 2022. This refers to some children who died taking some cough syrups in the Country.

The fourth case⁴ of reported medical negligence was also attributed to one Dr. Mbowe, accused of endorsing and taking part in Jammeh's bogus treatment causing loss of life by the Standard Newspaper (2022).

Finally, the last case of alleged medical negligence⁵ was directed to The Gambia's main hospital, Edward Francis Small Teaching Hospital (EFSTH) in Banjul.

Medical Negligence?

What therefore is medical negligence? A simple definition was espoused in the Ghanaian case of *The State v Tsiba, Akufo Addo J.S.C* (as he then was) defined negligence as: "the omission to take care where there is a duty to take care".

Medical Negligence: Concerns

Many doctors in advanced countries have lost their livelihoods through medical negligence.⁶ Today, we hear of many medical negligence issues in the media which are not pleasant. It is also worth noting that the practice where we assume that doctors know it all in the medical profession is a thing of the past.

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The rising nature of lawsuits against hospitals and healthcare professionals as well can make our healthcare professionals, especially Medical Doctors, more defensive in their medical practice to avert suits. This could pose danger and a threat to patients.

The writer is tempted to support Prof. Justice Date-Bah,⁷ who holds the view that, "Medicine and the Law is a battle area and we need to bring the rule of law into that area. In Ghana, it is said that health professionals never testify against themselves and therefore there is a real hurdle to litigation of medical malpractice cases.

Health professionals must put the public interest first. On the other hand, we do not want to go the other way such the USA where doctors may fear to touch patients for fear of malpractice. There has to be a middle way somewhere".

The former Justice of the Supreme Court of Ghana made the remarks in 2018 during a workshop to train healthcare professionals on medical law. This goes to show that the renowned Professor of law was also of the view that the rampant cases of legal suits against doctors could trigger the practice of defensive medicine, which would not auger well for our patients.

This notwithstanding, the writer also holds the view that the enjoyment of the right to good health care appears to be waning. Medical negligence cases pose a serious threat to quality health care delivery, as financial resources available for the improvement of health facilities and logistics are lost to payment of damages. More money is lost in cases where issues of negligence are lost through litigation before being sent to courts, where delays and increased costs are prevalent.

It is prudent for doctors and healthcare workers to understand that the healthcare team is about collaboration in this new era and patients are becoming more proactive about their health. Many are seeking legal opinions on health issues and negligent acts can affect the image of the doctor and the facility.

Medico-legal issues are also not being explored in the Gambian content. To the best of my knowledge, I have not come across any legal firm dedicated to this area in the Gambia. I believe we need lawyers specialized in medicolegal issues to help address this specialized area of law. This notwithstanding, the healthcare industry should start looking at how to avert negligence in their practices.

I, therefore, recommend that the Gambian Health authorities be up and doing to curb the rising cases of medical negligence.

About the Writer

The author is a Professor of Naturopathic Healthcare, currently pursuing the Barrister –At-Law course at the Gambia Law School, Banjul, Gambia. His interests lie in medio-legal issues, especially in the area of Traditional, Complementary, and Alternative Medicine in the African sub-region.

Conflict of Interest

None

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