

BLOOD TRANSFUSION: HOSPITAL NEGLIGENCE

By

Mohd Hezri Bin Shaharil (2003642565)
Siti Radziah Binti Kamarudin (2003643188)
Nur Hafiza Binti Haron (2003643680)
Noor Fazlina Binti Abdul Rauf (2003642988)

Submitted in Partial Fulfillment of the Requirements
for the Bachelor of Legal Studies (Hons)

Universiti Teknologi MARA
Faculty of Law

October 2005

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others

ACKNOWLEDGEMENT

In the name of ALLAH s.w.t The Most Beneficent, The Most Merciful. It is with the deepest sense of gratitude to the Al-Mighty who gives us the strength and ability to face obstacles in completing this research.

We would like to thank our family for their care, encouragement and advice given to us during the development phase of this research. We would also convey our deepest gratitude to our friends for their valuable suggestions, comments, and willingness in sharing their knowledge with us.

We owe a debt of gratitude to the many lecturers from whom we have learned so much over the years and authorities involved in this research. To list them all would be impossible, but one deserves special mention, Puan Siti Hajar Binti Mohd Yasin, for her assistance, guidance and time, to enable the successful completion of this research.

This research project has been carried out by a team which has included Mohd Hezri together with Siti Radziah, for medical research and Nur Hafiza together with Noor Fazlina, for law research.

ABSTRACT

Every year, over 100 million blood units (one unit is a half-litre pouch) are collected from donors worldwide. But millions more are still needed. The World Health Organisation (WHO) estimates that annually as many as 150,000 women die in childbirth due to lack of blood supply or inappropriate blood therapy.¹ According to WHO, as much as five percent of HIV infections in developing countries may be caused by transfusion of contaminated blood.

We sometimes happened to read in the local newspaper that a patient becomes a victim of medical malpractice. Only a few victims have brought the cases to the court to claim for compensation. After a while the case will hardly be heard or read in the mass media. In contrast, the western civilian such as the Americans and English are more aware of their rights in medical negligence. As part of the public we must be aware about the procedures, types of disease that can be transmitted, responsibilities and rights of every party involved in conducting a blood transfusion.

The Ministry of Health has played a major role to set up a law and guidelines for the medical practitioners to reduce any possibility of transmitting contaminated blood but still more cases appeared. Yet an agent to the ministry must be more aware of their liability such as hospitals, doctors and nurses. The blood donor also must be more responsible for their action to use blood bank as a place to test their blood for any infection.

¹ Ong Ju Lyn, "Save Blood Save Lives", *The Star*, 2000.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
List of cases	viii
List of statutes	ix

CHAPTER 1: INTRODUCTION

1.0	Introduction	1
1.1	Problem statement	1
1.2	Objectives	2
1.3	Hypothesis	2
1.4	Methods	2
1.5	Limitation & Delimitation	3
1.6	Conceptual Features	3

CHAPTER 2: BLOOD TRANSFUSION

2.0	Introduction	11
2.1	Indications for Blood Transfusion	15
2.2	Criteria for Blood Transfusion	16
2.3	Procedure for Blood Transfusion	17
2.3.1	Screening the Prospective Donor	17
2.3.2	During the Blood Transfusion	19
2.3.2.1	While Taking the Patient's Blood	19
2.3.2.2	While Taking the Blood from the Medical Transfusion Laboratory	19
2.3.2.3	Blood Transfusion to the Patient	20

CHAPTER 1**INTRODUCTION****1.0 INTRODUCTION**

Medical errors may be causing a substantial number of deaths in the country with 2,700 to 6,000 people dying from them each year. Use of wrong drugs, surgery on the wrong part of the body and error in blood transfusion leading to HIV/AIDS infection had increased in recent years.

Medical malpractice also called medical negligence. Malpractice is an act by a healthcare professional that departs from an accepted healthcare standard, where the departure causes an injury to the patient.

When the patient went or sent to the hospital, the patient is relied on doctor's expertise to treat him or her as best as possible. The patient's believed the doctor and that is why he or she seeks doctor treatment.

1.1 PROBLEM STATEMENT

At the end of 1999, there were 334,459 blood donors in Malaysia, of which 94.6% were voluntary donors; and only 5.4% were replacement donors who came to the blood bank to give their blood in replacement of blood used by their friends or relatives. This compares most favourably with other developing countries where, according to the WHO, up to 80% of blood donors are replacement donors. Six states, namely, Kuala Lumpur, Negri Sembilan, Malacca, Perlis, Penang and Pahang had already achieved 100% voluntary donor rate, with many other states close behind.

An estimated 26 million people received blood transfusions between 1977 and 1985 when the AIDS epidemic exploded.¹ In the latter 1980s, blood banks and hospitals took steps to ensure safer blood. Since 1985, when blood banks began to test for the HIV virus, only 12 new cases of AIDS been reported to be contracted through transfusions. Another problem is donors of contaminated blood also contribute to the

¹ Carol McGraw, "Some AIDS Victims Win Blood Cases", *Los Angeles Times*, (1990), p. 1 Pt. A Col. 3.