



The Medical Institution shall reimburse moral damage to the patient for breaching the notification obligation

The patient, whose interests are represented by GYLA before the court, has won the case against a medical institution in the court. Pursuant to the court decision announced today, the Tbilisi City Court imposed on the medical institution the payment of the compensation to the patient in the amount of GEL 5,000 for a moral damage.

The plaintiff claimed that the medical institution, in the course of a cataract surgery, changed the method of the scheduled operation without notifying the plaintiff and his/her family members and applied a type of lenses that had not been agreed previously.

The GYLA's lawyer declared before the court that changing the medical

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



devices/means or the surgery methods to be used during the operation shall require a patient's prior and informed consent, except for urgent cases. Medical facilities should provide patients with information on medical manipulations and possible complications in a simplified form as much as possible. It is also important that the list of possible complications which is included in the patient's pre-surgery warning form should include information on the patient's individual health status and assessments of specific risk when determining the complications, rather than general information. If a patient's health condition prior to the surgery does not allow determination of a relevant surgery method or procedure, the medical staff should provide the patient in advance with such information prior to conducting the operation. Otherwise the obligation of notifying the patient may be breached.

The Court shared the argument and concluded that the violation of the notification obligation by the medical facility has become the ground for imposition of the compensation for moral damages, irrespective of the outcome of the surgery, therefore, the claim has been fully granted in this part. The court decision was announced on March 12, 2018, hence, it has not acquired the legal force yet.