

**REPORT OF COMMITTEE ON HEALTH INSTITUTIONS ON
A BILL FOR AN ACT TO AMEND THE MEDICAL AND DENTAL PRACTITIONERS ACT, CAP.
M8, LAWS OF THE FEDERATION OF NIGERIA 2004, TO MAKE PROVISIONS FOR
COMPENSATION FOR MEDICAL MALPRACTICE AND NEGLIGENCE AND FOR
CONNECTED PURPOSES THERETO 2015**

	PROVISIONS OF THE BILL	COMMITTEE'S RECOMENDATIONS	COMMITTEE OF THE WHOLE RECOMMENDATION
1.	A BILLFORAN ACT TO AMEND THE MEDICAL AND DENTAL PRACTITIONERS ACT, CAP. M8, LAWS OF THE FEDERATION OF NIGERIA 2004, TO MAKE PROVISIONS FOR COMPENSATION FOR MEDICAL MALPRACTICE AND NEGLIGENCE AND FOR CONNECTED PURPOSES THERETO 2015 BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:- 1. The Medical and Dental Practitioners Act, Cap. Cap. M8, Laws of the Federation of Nigeria, 2004 (in this Act referred to as the Principal Act) is amended as set out below:- 2. Section 1, subsection (2) of the Principal Act is amended by inserting immediately after paragraph (c) a new paragraph (d) as follows and renumbering the subsequent paragraphs accordingly: Subsection (2), paragraph (d)-publishing and reviewing from time to time a compendium of the surgical or medical procedure or other course of treatment and standard of	Delete Delete	

	medical practice required of a medical practitioner. 3. The Principal Act is amended by inserting immediately after section 14 the following new sections 15, 16, 17, 18, and 19 as follows and rearranging the subsequent sections accordingly:- 15. A medical practitioner shall not be immune from liability for damages or injury attributable to his negligence while acting in his capacity as a medical practitioner, and any provision in any enactment or contract purporting to exclude or limit or shield a medical practitioner in Nigeria from that liability shall be void. 16. A medical practitioner shall maintain a Professional Liability Insurance Cover against damages or injury attributable to his negligence, professional malpractice, deviation from standard of medical practice or the negligent act or omission of his employees. 17. A person or his/her legal guardians shall be entitled to compensation from a medical practitioner when his health situation worsens or death occurs to his/her person due to a mistake or negligence on the part of the medical practitioner or where the medical practitioner deviates from the standard medical practice and it results to serious injury or complication or death to the person's health. 18. In a civil action for professional negligence, personal injury or wrongful death against a medical practitioner, a person shall establish that the medical practitioner's negligence, deviation from standard procedure, performance or a wrong procedure or improper treatment resulted in the alleged injury or death. 19. A medical practitioner shall be liable for the negligence acts of his employee if the employee was acting within the	Delete	
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scope of his employment when the negligent act or omission occurred.		
4. Section 21 of the principal Act is amended by inserting the following new definitions: "medical practitioner" shall for the purpose of sections 15 and 19 of this Act include; a health facility, hospital, clinic, employees of the health facility, nurses, midwives, caregivers and any other personnel employed by the medical practitioner, health facility, clinic or hospital whether privately or public owned or otherwise; "legal guardians" means any person standing in the position of parents, spouse, relation, or legal representative to a person undergoing treatment by a medical practitioner; "standard of medical practice" means acceptable standard of medical procedure and course of treatment an average medical practitioner is expected to follow in the course of treatment for an ailment, disorder, disease or infection including the state of the course of medical treatment, surgical operation or alternative course of treatment, as well as the risks and benefits of that course of treatment.	Delete	
5. The Act may be cited as the medical and dental practitioners (Amended) Act 2015	Delete	
EXPLANATORY MEMORANDUM This Bill seeks to strengthen the security of human life by providing for compensation for injuries or death suffered as a result of medical practitioner's or medical facilities' negligence, which compensation shall be made out of the medical practitioner's Insurance Cover.	Delete	

2.	A BILL FOR AN ACT TO AMEND THE MEDICAL AND DENTAL PRACTITIONERS ACT, CAP. M8, LAWS OF THE FEDERATION OF NIGERIA 2004, BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria:- 1. The Medical and Dental Practitioners Act, Cap. M8, Laws of the Federation of Nigeria, 2004 (in this Bill referred to as the Principal Act) is amended as set out in this Bill. 2. Section 14 of the Principal Act is amended by substituting “N100,00”, “N50,00”, “N25,00” and “N200” with “N500,000”, “N100,000”, “N100,000” and “N100,000”; 3. In Section 17 of the Principal Act- (a) In subsection (5) substitute “N5,000” and “N10,000” with “N50,000” and “N100,000”; (b) In subsection (9) substitute “any person” with “any official”; 4. The Bill is cited as the Medical and Dental Practitioners Act (Amendment) Bill, 2016. EXPLANATORY MEMORANDUM The Bill seeks to amend the Medical and Dental Practitioners Act, Cap. M8 Laws of the Federation of Nigeria, 2004, to review practicing fees and penalties upward and other related matters.	Delete	
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