

Cabinet Resolution No. (14) of 2020
Concerning the Supreme Committee of Medical Liability

The Cabinet:

- Having reviewed the Constitution; and
- Federal Law No. (1) of 1972, On the Competences of Ministries and the Powers of Ministers, as amended; and
- Federal Law No. (3) of 1987, Promulgating the Penal Code, as amended; and
- Federal Law No. (35) of 1992, Promulgating the Code of Criminal Procedure, as amended; and
- Federal Decree-Law No. (5) of 2011, Regulating Boards of Directors and Trustees and Committees in the Federal Government; and
- Federal Law No. (7) of 2012, Regulating the Expert Witness Profession before Judicial Authorities; and
- Federal Decree-Law No. (4) of 2016, On Medical Liability; and
- Council of Ministers’ Resolution No. (6) of 2012, Concerning the Supreme Committee of Medical Liability; and
- Council of Ministers’ Resolution No. (40) of 2019, Concerning the Executive Regulations of Federal Decree-Law No. (4) of 2016 On Medical Liability; and
- Based upon the proposal submitted by the Minister of Health and Prevention and the Cabinet’s approval,

Hereby resolves as follows:

Article (1)

Definitions

For the purpose of applying the provisions of this Resolution, the following words and expressions shall bear the meanings assigned thereto respectively, unless the context requires otherwise:

- State** : The United Arab Emirates.
- Minister** : The Minister of Health and Prevention.
- Health Authority** : The Ministry of Health and Prevention or any federal or local government authority in charge of health affairs in the State.
- Decree-Law** : Federal Decree-Law No. (4) of 2016 concerning Medical Liability.
- Committee** : The Supreme Committee of Medical Liability set forth herein.

Article (2)

Formation of the Committee

1. The Supreme Committee of Medical Liability shall be formed from medical consultants in specialties identified by the Minister's resolution.
2. The Minister shall issue a resolution nominating the Committee's members, chairman and vice-chairman.

Article (3)

Grievance Consideration Procedures

1. The Committee shall consider grievances against reports of the medical liability committees set forth in Article (18) of the Decree-Law, referred thereto by the Health Authority.
2. The Committee shall, after examining the grievance presented thereto, draw up a reasoned report expressing its opinion on the grievance filed thereto. The report shall include the following:
 - a. The standard based on which the committed medical error is deemed a serious medical malpractice.
 - b. Indicating elements available in the file confirming the occurrence of a serious medical malpractice.
 - c. Indicating the type of damage and malpractice.

3. The Committee may uphold the medical liability committee's report based on evidence reached through its examination and consideration of the file related to the grievance filed thereto, in the light of challenges and reasons set out in the grievance, as well as other available facts and information resultant from its technical investigation, discussion and consideration of the case. The Committee may also reject, adjust or cancel the grievance, and the decision thereof shall be final and unchallengeable by any means before any authority.

Article (4)

Committee's Term of Office

The Committee's term of office shall be three (3) years renewable by the Minister's resolution. However, the member shall remain on duty until a resolution is issued on the renewal or termination of his membership.

Article (5)

1. The Committee's office shall be in the Ministry of Health and Prevention. The Minister may issue a resolution appointing employees to assume the functions of the Committee's rapporteur and secretaries under the supervision of its chairman.
2. The Committee's rapporteur shall assume the following functions:
 - a. Receiving grievances referred by the Health Authority to the Committee and recording the same in the respective registers.
 - b. Recording all documents, attached to the grievance, related to the case presented to the Committee.
 - c. Inviting members to attend meetings in coordination with the Committee's chairman or, in case of his absence, with the vice-chairman.
 - d. Drawing up the Committee's agenda.
 - e. Drawing up the Committee's minutes of meetings.
 - f. Recording names of invitees, without having a counted vote, and recording the same in the minutes of the meeting.
 - g. Collecting documents required by the Committee from relevant bodies.

- h. Writing the Committee's report and sending it to the relevant Health Authority after being signed by all the Committee's members.
- i. Inviting any person whom the Committee requires to hear.
- j. Any other functions entrusted by the Committee's chairman to the rapporteur.

Article (6)

The Committee shall meet at the invitation of its chairman or, in case of the absence of the chairman, at the call of its vice-chairman to consider grievances referred thereto. The Committee's meeting shall be valid only if attended by two-third of members, including the chairman or vice-chairman. The Committee's report shall be issued by the majority of the members present. In the event of a tie, the chairman shall provide the casting vote. In case of a serious malpractice, the report shall be approved by one-third of the members present.

Article (7)

1. The Committee may invite any person it deems necessary to discuss the grievance subject matter, provided that the minutes of the meeting shall include names of invitees, without them having a counted vote.
2. The Committee may review documents it deems necessary and the relevant bodies shall enable the Committee of the same.
3. The Committee may form specialized sub-committees from among its members or from others to express the technical opinion on grievances presented thereto.
4. The Committee may seek the opinion of experts and consultants on grievances presented thereto, without having a counted vote.
5. The Committee shall present its report to the Health Authority, pertaining to each case presented thereto, within thirty days from the referral date. The date may be extended to further similar period or periods upon the approval of the Health Authority at the Committee's request.

Article (8)

The provisions of experts shall apply to the Committee's members, in so far as they do not contradict the provisions of the Decree-Law. Each member shall take the legal oath for one time before a federal department of appeal at which his place of residence is located before practicing his work on the committee.

Article (9)

Remunerations of the Committee's Members

1. The Chairman and members of the Supreme Committee for Medical Liability shall be granted a monthly reward of (10,000) ten thousand dirhams for attending the Committee's sessions, in accordance with the attendance rate during the month, provided that the amount of the reward granted to him shall not be less than (4,000) four thousand dirhams per month.
2. The member of the specialized sub-committee or the expert or consultant whose assistance was sought by the committee, shall be granted a reward of a maximum of (3,000) three thousand dirhams for expressing a technical opinion in each of the cases referred to him by the Supreme Committee for Medical Liability, provided that the total amount for each does not exceed (30,000) thirty thousand dirhams per year.

Article (10)

Appraisal of the Committee's Performance

The Committee's performance shall be subject to an annual appraisal by the General Secretariat of the Cabinet.

Article (11)

Repeals

The Council of Ministers' Resolution No. (6) of 2012 Concerning the Supreme Committee of Medical Liability is hereby repealed; and so are any provisions that contradict the provisions of this Resolution or are in conflict herewith.

Article (12)

Publication and Enforcement

This Resolution shall be published in the Official Gazette and shall enter into force as of the day following the date of its publication.

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by Us:

On: 7 Rajab 1441 A.H.

Corresponding to: 2 March 2020 AD