

Headline	Damages awarded in tainted blood transfusion case upheld		
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# Damages awarded in tainted blood transfusion case upheld

**PUTRAJAYA:** The Court of Appeal has upheld the award of RM846,000 in damages to an accident victim who was provided with HIV-infected blood during a transfusion in 2005.

Justice Datuk Alizatul Khair Osman Khairuddin, who chaired a three-man panel, held that the Kinta Medical Centre (KMC) had failed to comply with a reasonable standard of care in screening blood to detect HIV.

She said the best practices outlined in the guidelines issued by the National Blood Centre ought to have been followed even if this was not mandatory.

Additionally, it could not be said that these guidelines were not applicable to private hospitals such as KMC, she added.

Dismissing KMC's appeal on liability and quantum of damages awarded by the Ipoh High Court to the 28-year-old man, Justice Alizatul Khair ordered KMC to pay RM30,000

**The accident victim had suffered considerably as a result of contracting HIV.**

Alizatul Khair Osman Khairuddin

in costs.

The accident victim, she said, had suffered considerably as a result of contracting HIV.

Justice Alizatul Khair, who presided with Datuk P. Nalini and Datuk Zabariah Yusof, said he was entitled for compensation as he was also exposed to social discredit and discrimination which was damaging.

The sum awarded, she added, was to take into account all future losses

and injuries should these arise as there was no statutory provision for the man to make a second claim if he contract AIDS at a later date.

The High Court had on Feb 4 last year allowed the man's lawsuit, finding KMC to be negligent for supplying the HIV-contaminated blood while he was being treated at Fatimah Hospital after an accident on May 22, 2005. He was 17 at that time.

High Court judge Datuk Samsudin Hassan then ordered KMC to pay RM750,000 for general damages and RM96,000 for special damages to the man, prompting the medical centre to appeal to the Court of Appeal.

A blood test made on Nov 30, 2005, revealed that the man was HIV positive, prompting his mother to lodge a report with the Health Department.

Lawyer Datuk W.S.W. Davidson represented KMC while lawyers V. Vijaya Segaran and Norazali Nordin appeared for the man. — Bernama