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Analysis of Judicial Precedents cases involving Kidney Transplantation In the Eyes of the Law

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Objectives: Kidney Transplantation (KT) is rapidly growing way of renal replacement therapy. Because it is needed to handle highly complex situation varying by individuals, it is hardly to build and adhere an uniformed practice protocol, which raises increasing chance of medical disputes. The purpose of this study was to provide current status about medical disputes involving KT especially focusing on the court opinions regarding medical malpractice.

Methods: In this study, a total of 15 cases of medical malpractice litigation involving KT sentenced between 1994 and 2019 were analyzed.

Results:

Among 15 cases, nine cases (60%) were awarded to plaintiff. A total of 15 cases (100%) were performed in the university hospital. The average amount in damages paid out to plaintiffs in this research was 74,823,240 Korean won (KRW) (range, 20,000,000–198,363,743 KRW).

Conclusions: We believe that analysis of medical dispute cases provides useful information for risk management and improvement of quality of healthcare services. The court has become intolerable for the clue of 'inattention' by medical staffs such as unresponsiveness to conventional treatment or suspicious symptoms. Review of claims is essential for avoiding the occurrence of similar cases.