

97818 - What must the doctor do if the patient dies during surgery?

the question

With regard to doctors who do surgery, if it so happens that a patient dies whilst they are operating, as a result of this surgery, is there any blame on them for that, or do they have to offer expiation?

Detailed answer

Praise be to Allah.

If there is any negligence on their part, resulting in the death of the patient, or if the doctor is not skilled in performing surgery, then in this case he is responsible, and he must offer expiation (kaffarah) and the blood money (diyah) must be paid by the doctor's male relatives on his father's side, because this is regarded as a case of accidental killing. But if the doctor is an expert and skilled in performing surgery, and the patient was fit to undergo this procedure, and there was no negligence on his part, then there is no blame on the doctors in this case, and they are not liable and do not have to offer expiation.

Al-Muntaqa min Fatawa ash-Shaykh Salih al-Fawzan (3/280).