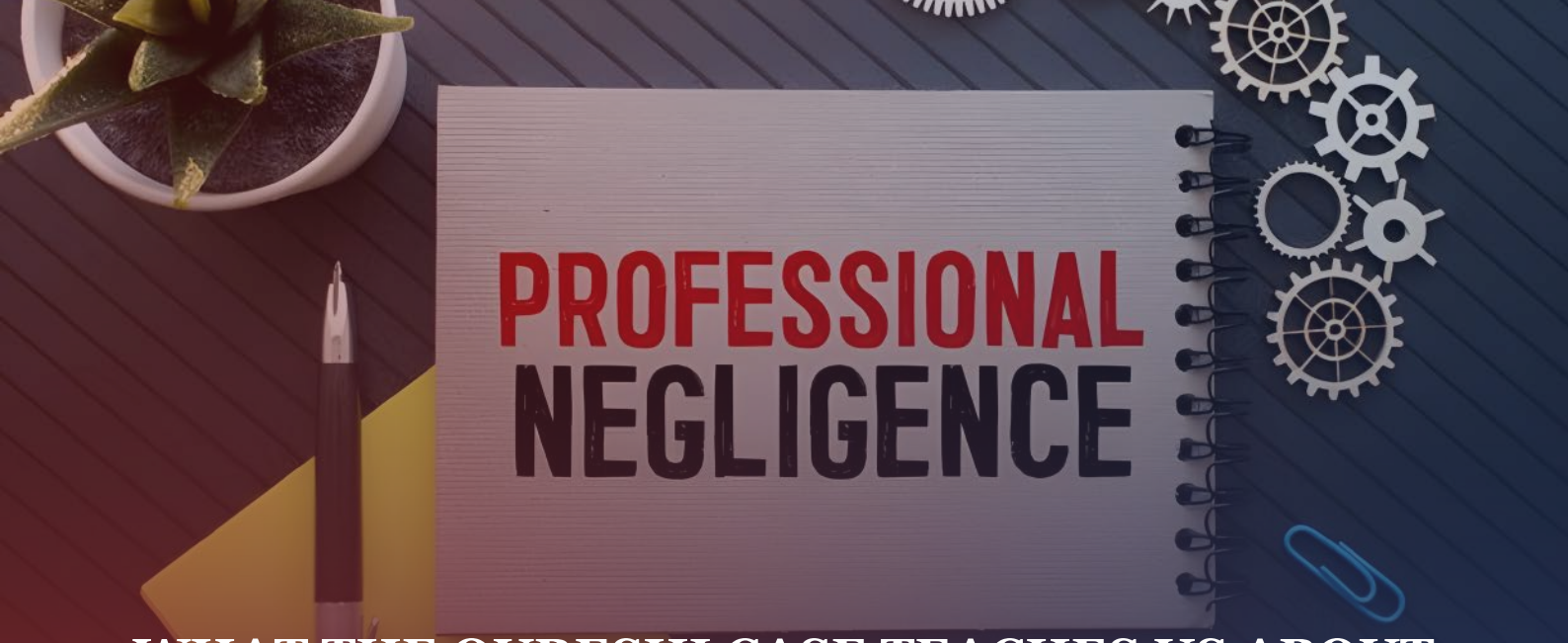


WHAT THE QURESHI CASE TEACHES US ABOUT PREVENTING PROFESSIONAL NEGLIGENCE

In 2007, a woman entered a hospital expecting a standard hysterectomy. Instead, she emerged from surgery with her cervix removed without informed consent, suffered post-operative neglect, and faced lifelong physical and emotional trauma. In the case of *Naila Qureshi & Another v Dr. Raffique Parker & 2 Others (CC 610 of 2007)*, the High Court of Kenya awarded a staggering Kshs. 157 million in damages against two doctors and a hospital. But beyond the headlines and the heartbreak, the Qureshi case reveals a critical systems failure. One that could have been averted through a Multidisciplinary Practice (MDP) approach.

This was not just a medical error. It was a collapse of ethical diligence, communication, and accountability all symptoms of a siloed system. Had the doctors operated within a structured MDP framework with legal, ethical, administrative, and patient support professionals engaged from the outset, red flags might have been raised early. The risks might have been mitigated. And the tragedy might never have occurred.

The idea that "too many cooks spoil the broth" doesn't hold in today's high-stakes professional environments. In fact, as the Qureshi case illustrates, too few cooks with no one to check the heat can ruin it entirely.

MDPs bring together professionals from distinct but complementary disciplines law, medicine, ethics, finance, engineering into a unified, collaborative team. And this isn't just about efficiency. It's about reducing preventable harm.

Picture this. A legal advisor flags the lack of a valid, fully informed consent form. A bioethicist questions whether the surgery aligns with the patient's understood medical goals. A patient liaison officer ensures the patient and her family have all the necessary information pre- and post-surgery. A hospital administrator confirms that all protocols are documented and followed.

In an MDP, each specialist acts as both an expert and a safeguard. The very presence of different lenses naturally builds checks and balances into the process. Let us contextualise how an MDP might have intervened in the Qureshi case.

a) **Peer Review:** A second opinion from a non-surgical medical professional might have questioned the decision to proceed

with cervix removal or at the very least, ensured the patient's informed consent.

b) Legal Input: A lawyer reviewing the consent process could have flagged deficiencies in how risks were explained or documented, avoiding the claim of medical battery.

c) Ethical Oversight: An ethicist might have challenged the urgency and necessity of the operation, especially if alternative treatments weren't clearly explored or communicated.

d) Client-Centred Communication: In MDPs, patients or clients benefit from coordinated messaging. Fragmented communication common in solo practice creates confusion. In Qureshi's case, this confusion led to a profound violation of trust.

e) Robust Documentation: MDPs demand shared record-keeping practices. Every interaction, consent, and follow-up are documented across disciplines minimizing the risk of legal liability and patient harm.

Multidisciplinary Practice (MDP) isn't about replacing professional indemnity, side-stepping liability, or diluting self-regulation. It's about reinforcing them. MDPs strengthen the very pillars of professional accountability by embedding collaboration, ethical scrutiny, and systemic safeguards into daily practice.

The Qureshi case is a painful reminder of what happens when professionals work in silos where preventable harm becomes inevitable, and clients, businesses, and even entire institutions bear the cost. MDPs offer a powerful counter: a model that detects blind spots early, fosters real-time accountability, and reduces the risk of reputational, financial, and human loss.

By embracing MDPs, professionals don't give up responsibility, they share it wisely. They move from reactive blame to proactive prevention. And in doing so, they protect not just themselves and their clients, but also the integrity of their industries and the broader economy.

MDPs aren't a shield from liability. They are a strategy for earning trust, reducing harm, and delivering excellence together.

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