



La réparation du dommage médical et sa jurisprudence (French Edition)

Pierre Aberkane

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La réparation du dommage médical a connu une nette évolution ces dernières années. Les juges ont volontairement opté pour un élargissement des postes de préjudices à indemniser dans l'intérêt des patients et du système de santé.

La place du patient dans sa prise en charge médicale est aujourd'hui reconnue par les professionnels de santé. Toutes les étapes post et pré hospitalière sont clairement identifiées et ont permis de reconnaître des droits aux patients.

Le droit médical s'est construit principalement à partir de la jurisprudence des deux ordres de juridictions. Ils ont progressivement reconnu des droits aux victimes d'accidents médicaux tout en préservant l'exercice de la médecine. La loi du 4 mars 2002 et la jurisprudence ont obligé les professionnels de santé à la plus grande vigilance en ce qui concerne les mesures d'asepsies.

Le rapprochement entre le juge administratif et le juge judiciaire a été rendu possible ces dernières années dans l'intérêt des victimes. L'indemnisation globale et transparente passe d'une part par une harmonisation des grilles d'évaluation et d'autre part par une liberté d'exercice de l'expert judiciaire et du juge dans une barémisation sclérosante pour les victimes.

Cet ouvrage offre aux avocats, médecins, magistrats, assureurs, victimes et associations de victimes d'accidents médicaux et étudiants une analyse précise de la jurisprudence et la doctrine la plus récente sur le sujet. Il est un outil indispensable à la compréhension des mécanismes liés à la réparation du dommage médical par les deux ordres de juridiction.

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