

## Abstract

A hospital can be held liable under the general doctrine of *respondeat superior* in a case when an employee commits malpractice. This tort liability is applicable even when the employer is without fault because the employee was acting in the scope of his or her employment when the negligent act or omission allegedly happened. Attending physicians working in hospitals are considered independent contractors rather than employees in some situations, making the theory of *respondeat superior* inapplicable, and the physician has to bear full liability when sued for malpractice while treating a patient in a hospital. More often than not, hospitals are implicated for negligently granting privileges to an unlicensed or incompetent physician. Hospitals in developing countries are increasingly implicated in malpractice litigation following the doctrine of *respondeat superior*. Due to the dramatic circumstances that surround them, surgical malpractice cases are a cause for concern to hospital administrators as well as the surgical staff. The legal programs covering surgical services at health care institutions in low income countries need strengthening to preempt increasing litigation activities as their populations become more aware of their medico-legal rights.