

Abstract

General Health Center consists of an administrative nature of the service being related to the health institutions in the annex to take it upon themselves to provide medical services to an audience of citizens. Services which presents by institutions is offered by risky, as they relate to the human body and health . whether those services was based on the level of treatment or surgery.

working in the public health facility is based on the three elements a facility that offers the service the doctor is the person in charge of providing the service, and the patient is a person benefiting from the service ,it may occur damages of medical incidents to the patient during of receiving treatment in the public health facility, which requires compensation for injury damage as a result of error in the treatment or during surgical intervention.

this led us to the legal nature of the doctors obligations. has been shown as the obligation of conduct, but in exceptional cases be a commitment to achieve a result and this was followed by the French administration judiciary, also it demand us to explain the legal nature of relations statement within the public health facility. and between the physician and public health facility it is showing as an organizational relationship between them governed by laws, regulations and instructions, it also

shows that the relationship between doctor and patient is not directly accused of doing only through the health facility . Jurisprudence and Comparative Judiciary has gone that consideration in compensation for damage caused to patients lawsuits is the administrative court and this is the case in all of France and Egypt, but that did not get any attention of the Iraqi legislature, but remained under civil law, which does not meet the importance of this work and its place that distinguish from the rest of the business, As a result of the expansion of the medical business and its development causing damage of a particular kind is that they come from a legitimate business, which requires a statement offended entitlement to compensation or not , so we have seen through the research the administrative court was diligent every time finds itself in front of damage hit someone does not prove a medical shortening so work on the idea of taking risks in exceptional cases, and this is what it does not take the administrative court in both Egypt and Iraq.

the franch jurisprudence of Administrative Justice was clear in the payment of the French legislature to move to a new phase in terms of medical responsibility ,which is the responsibility on the basis of national solidarity through introduced a new law which was (the rights of patients and the quality of the health system law) that was in 2002, who takes it upon itself to compensate damaged people by medical business

that is not wrong on the basis of national solidarity through the establishment of funds to compensate, and this is what prompted us to look for the possibility of applying this system in Iraq in the field of medical responsibility, and we know that the Iraqi legislature has taken this idea in many areas non-medical.