

# How govt plans to curb medico-legal claims

Government has announced a series of interventions in an effort to curb the rise of medical negligence claims against the State.



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The measures are contained in the National Treasury's 2019 Budget Review, which was released on Wednesday as Finance Minister Tito Mboweni tabled the national Budget.

Between 2015 and 2018, the review said, claims against health departments had risen from R28.6 billion in March 2015 to R80.4 billion in March 2018. During this period, claim payments increased to R2.8 billion from R498.7 million.

"The mounting value of claims puts enormous pressure on provincial health budgets, with departments increasingly forced to divert funding from service provision to pay these claims. Medico-legal claims have risen because of inadequate quality of care, weaknesses in administration (including patient record management and legal capacity), and increasingly litigious behaviour from law firms," the review said.

In an effort to whittle down the number of unjustified or excessive claims, government is:

- Prioritising improvements in areas where claims of negligence are more prevalent.
- Improving medical record-keeping and recruiting more specialist medical personnel.
- Inspecting public healthcare facilities regularly (through the Office of Health Standards Compliance) to ensure they adhere to norms and standards.
- Strengthening the medico-legal units in provincial departments of health, and recruiting national teams of experts to provide specialist support.
- Referring possible fraudulent cases to the Special Investigations Unit.

Government is also considering legislative amendments to allow periodic settlement payments instead of lump-sum payments, which would help provincial budgets manage these costs, the review said.

“Most importantly, government continues to improve the quality of public healthcare. Together, these measures will help stabilise the growth in claims and allow provinces to budget more realistically for them,” stated the review.

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