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KZN Premier calls for action to reduce medico-legal claims

KZN Premier, Hon Senzo Mchunu, has demanded of all the management of hospitals and Community Health Care institutions in the Province to work towards curbing the rising rate of medic-legal claims.

The heads of all health institutions were summoned to a summit in Inkosi Albert Luthuli Central Hospital to deliberate on the matter. The summit was also addressed by the KZN retired Judge President, Patel; former KZN Health Head of Department, Professor Roland Green Thompson; as well as representatives of the legal fraternity.

Premier Mchunu reminded the CEO's that whatever happens in their institutions happens under their watch. He said CEOs and managers are appointed to ensure in terms of law that there is always compliance with set standards as well as adherence to stipulated codes and ethics. He called upon them to be always conscious of the fact that this is our country and patients are their own people. He said everybody deserves professional; efficient and quality health care regardless of race, age, gender and place of residence.

CEOs were told that they need to find ways to:

- Avoid and prevent adverse incidents;
- Communicate better with affected patients and their families; and
- Best prepare for and defend the Department to learn how best to defend cases.

The Premier raised concern that the Department is faced with enormous amount of medical litigation costs and that if all these cases can succeed; the provincial Government would sink.

The summit looked at different categories of Specialties in which most of the medico-legal cases are based, namely, Obstetrics and Gynaecology; Paediatrics; Surgery and Orthopaedics.

The issue of good and proper record keeping was emphasised as the first step to ensure that Department has a history of what happened to the patient. It was also proposed that there be a structured reporting mechanism for all adverse incidents and that these be brought to the attention of the Head of Department as well as the Legal Services Unit.

The CEOs are to preside on the task teams that look at these suspected adverse incidents and are expected to work together with their medical managers, nursing managers and quality assurance managers in reviewing cases.

Prof Green-Thompson commended the department for holding the summit, saying that medico-legal cases are a reality and need to be prepared for.

Judge Chimani Patel said most of the cases were lost due to the lack of good advice given to the Department's legal counsel by the specialists.

MEC Dhlomo said that all healthcare professionals had a duty to uphold the highest possible healthcare standards. They also need to understand the consequences of their actions and the ever-present possibility for litigation.

“While practising medicine, they must be aware that the patient in front of you could be the one that will take you to court,” he said.

MEC Dhlomo said he was delighted by statements from the recently-appointed national health Ombudsperson, Prof William Makgoba that he would seek to ensure adherence to the codes of practice and correct any wrong that might have arisen.

MEC Dhlomo said hospital CEOs will now have to attend perinatal and maternal review meetings as part of their mandatory employment performance assessments.

“The HOD and the team he leads have to ensure that institutions are supported with critical equipment, training programmes. The Culture of SANDF discipline should be adopted as best practice and it must be part of our way of doing things, including how CEOs and management manage institutions. Collective leadership, life-long learning, adherence to proven protocols and practices and going back to basics should be the order of the day,” he said.

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