



QUANTIFYING RISK, ENABLING OPPORTUNITY

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May 2018

Medico-Legal Claims Against the State

The role of the professionals

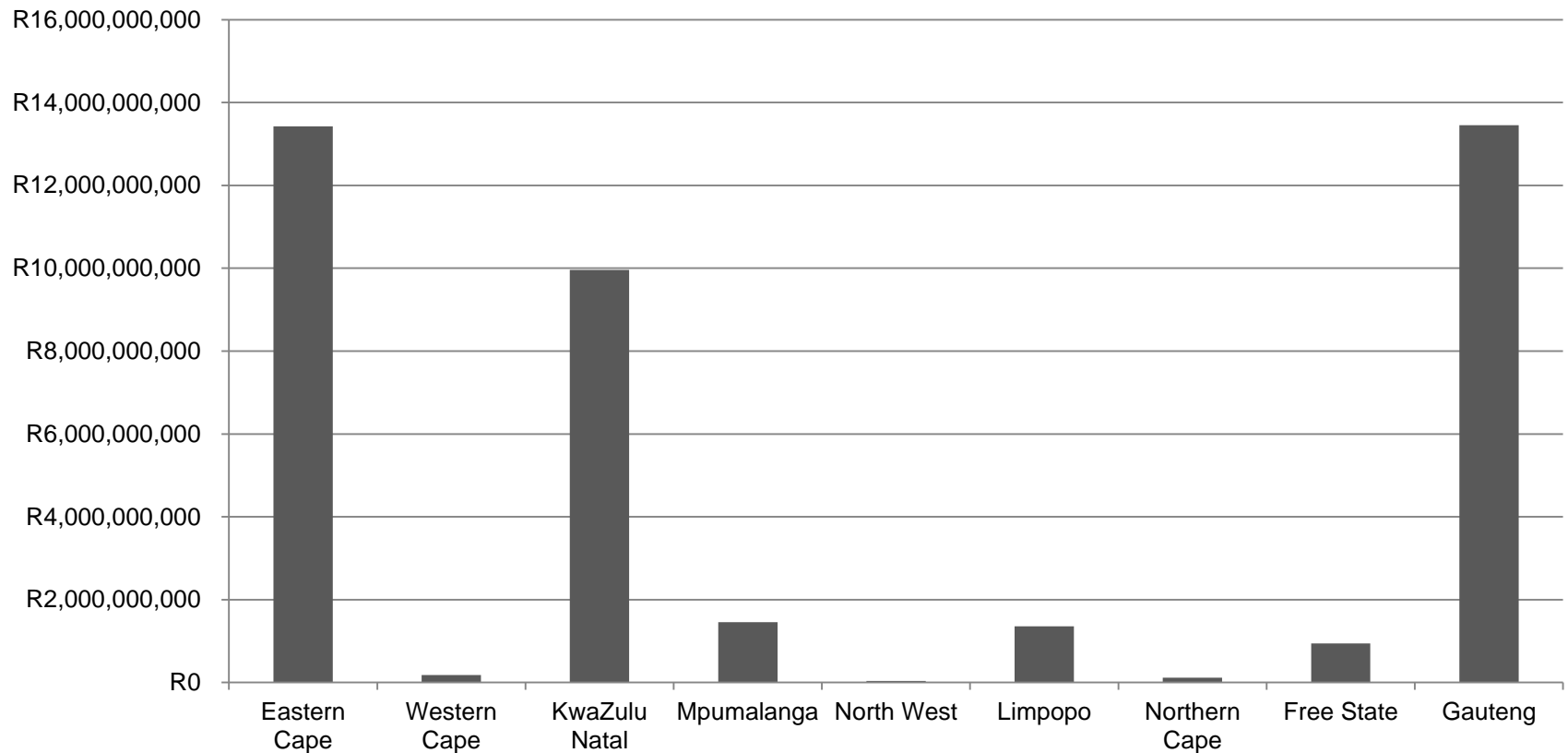
May 2018

Key Questions

1. How big is this problem?
2. **How prepared is the state?**
3. How does the claims process work?
4. **What is the Actuary's role?**
5. **Are there any knowledge gaps in this work?**
6. **What role should professionals play to fill these gaps?**

How big is this problem?

'Contingent' liabilities



How prepared is the state?

Readiness Index

Compensate injured person correctly

- Merit correctly tested
- Quantum correctly determined

Correctly identify the error

- Incident reporting and management

Learn from the adverse event

- Active risk management

Build system to eliminate/reduce risk of reoccurrence

- Active risk management

Extracts from Annual reports 2016/17

WC

- Strengthen capacity to defend claims.
- Monitor trends in Medico-legal claims.
- Test case law on creation of trust for funds for lifecycle of the affected patient and unused funds to be returned to Department.
- Raise awareness of lessons from claims within the Department

KZN

- Medico-legal unit activated
- Clinical governance improvement strategy
- Efficiency in retrieval of Hospital Records
- Adverse risk committees set up in all hospitals
- Sensitise staff on implications of medico-legal claims

Gauteng

- Mediation process
- Legal audit strategy
- Establishment of medico-legal centre
- Upgrading health system

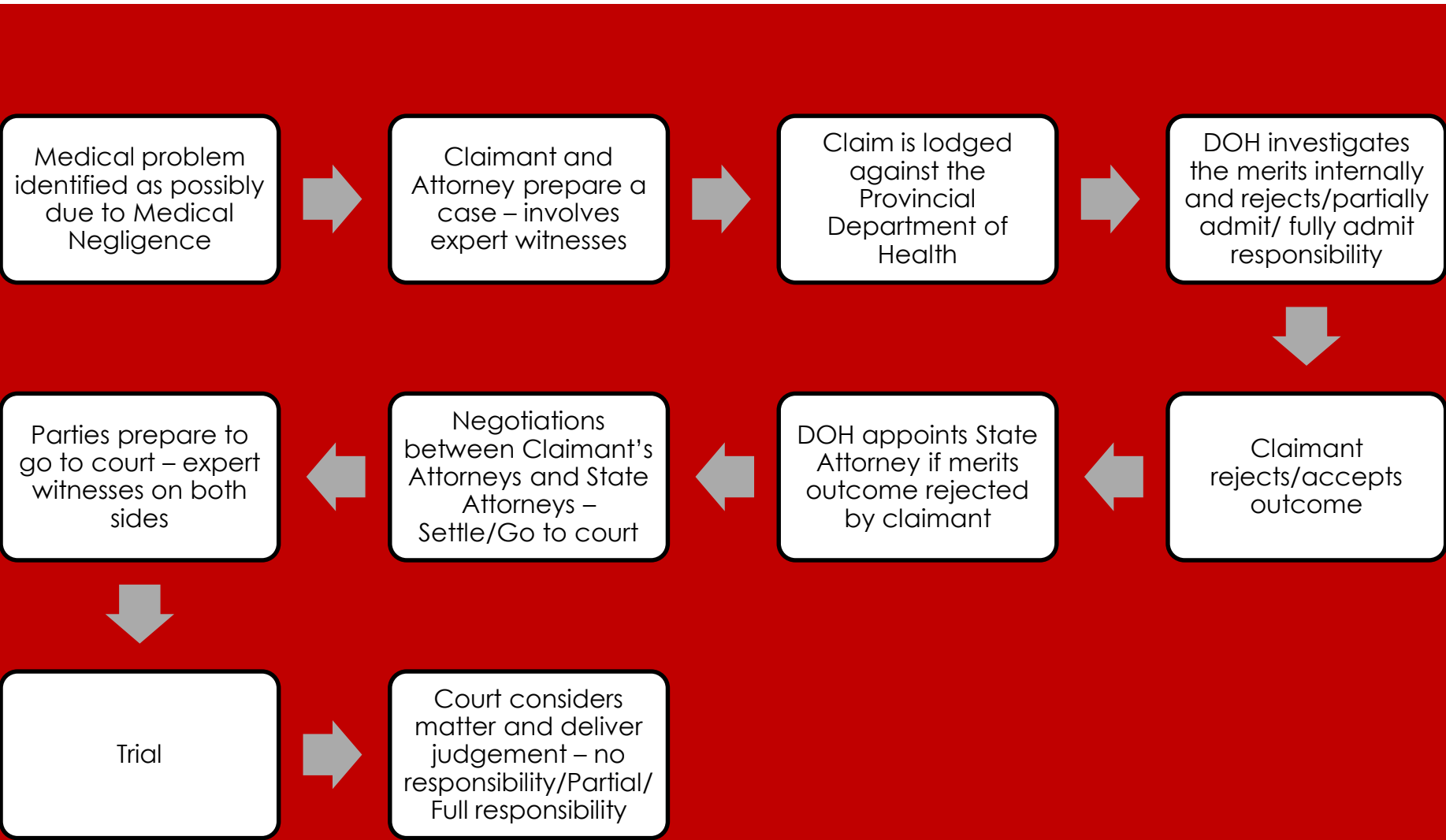
NDOH Audit and Risk Committee

LLM (Masters of Law)

3 X CA

Computer Scientist

Current litigation process



The Actuary's role





What is restraining this intelligent long term thinking problem solver?

- Narrow scope?

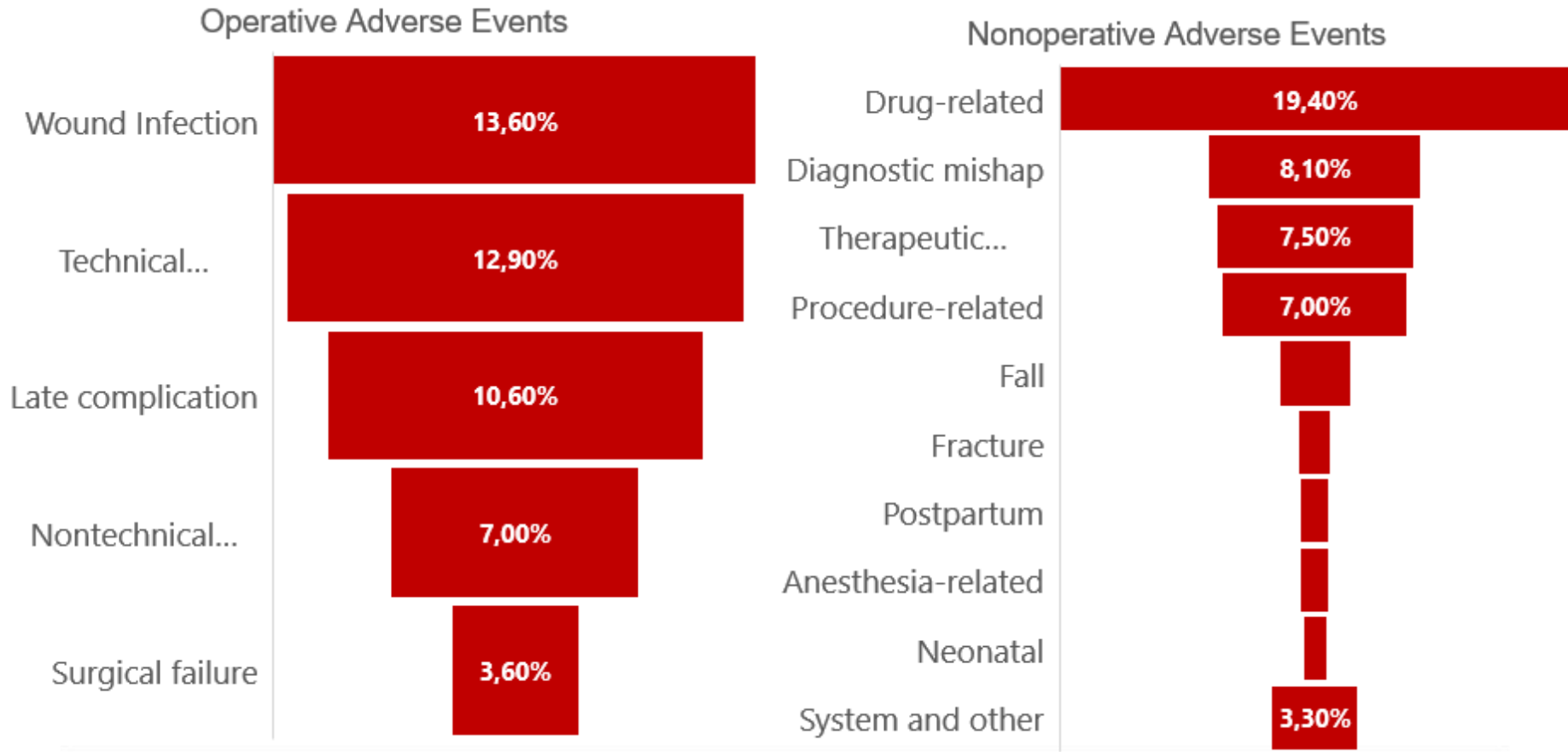


Fit for purpose?

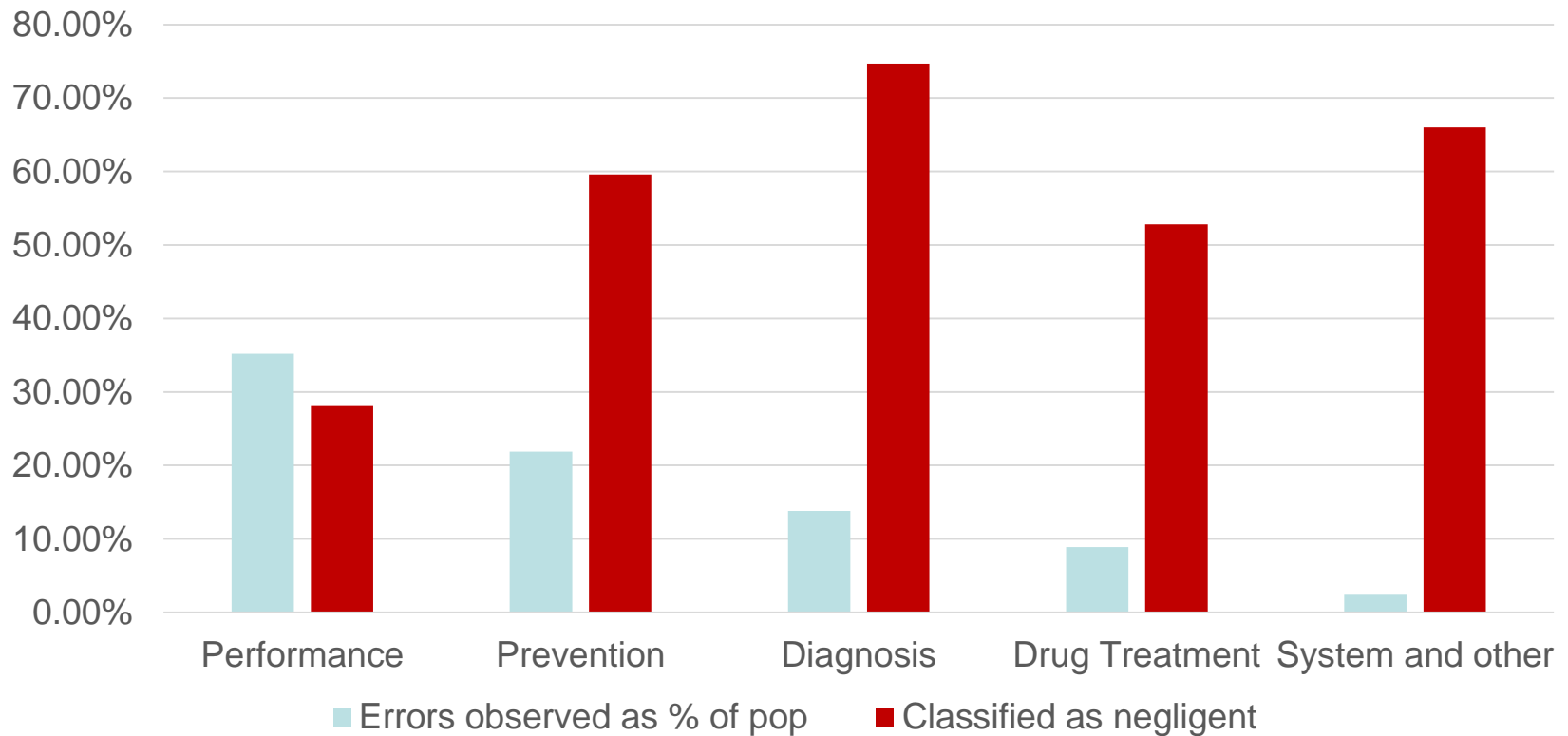
Knowledge Gaps? What leads to medical negligence claims against the state?

Types of Adverse events

based on Harvard Study

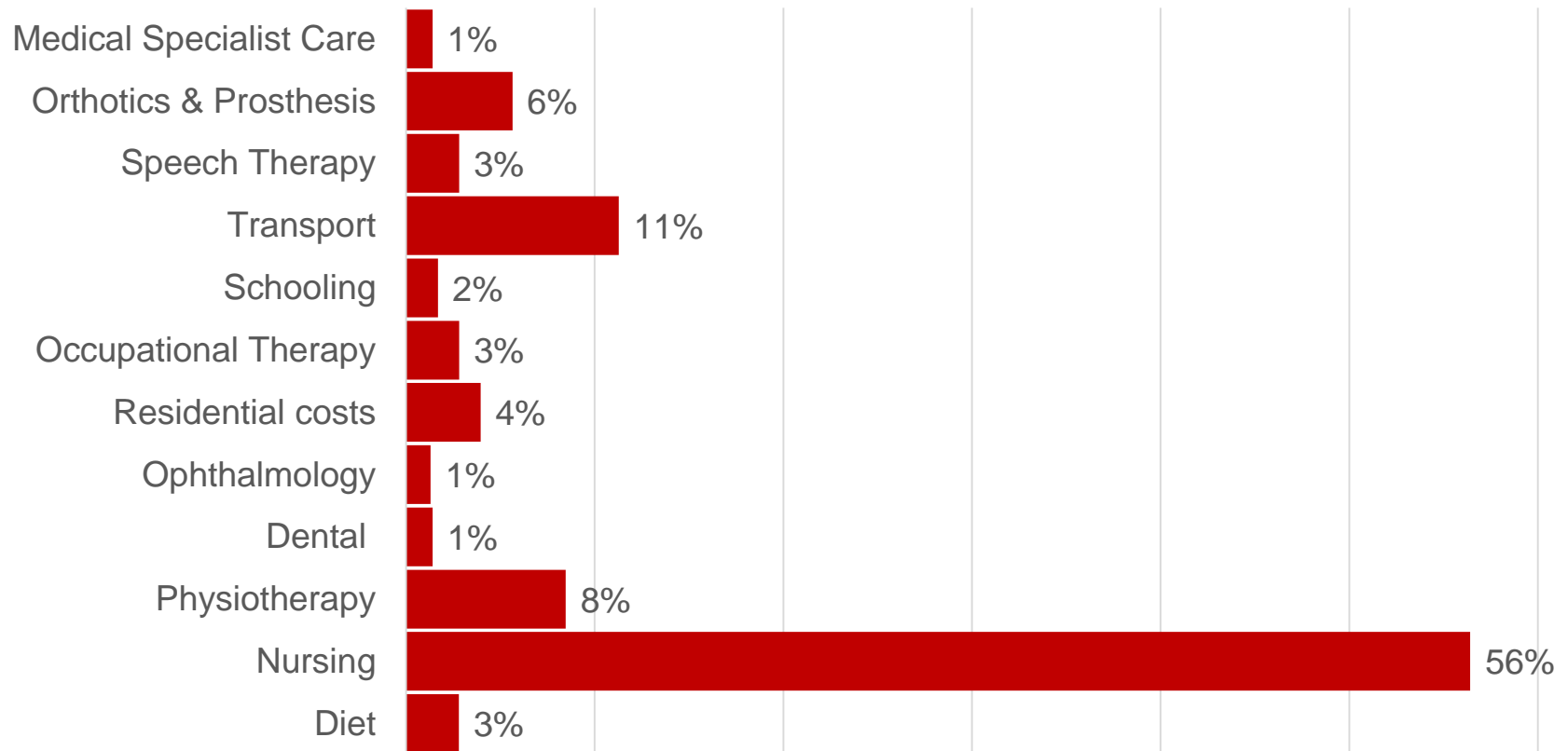


Types of Doctor Errors



Knowledge Gaps? Delivery of Future Medical Care

Understanding Care Costs for Cerebral Palsy Children (Example)



Different Options

Lump Sum Payment

Periodic Payments

Undertakings

Care Packages

The role of the professionals (the Experts)

Leadership & Management



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A manager

is someone who:

- Plans and budgets;
- Organizes and allocates resources;
- Controls and solves problems.



A leader

is someone who:

- Shows a direction;
- Aligns and influences;
- Motivates and inspires.

Professionals involved in CP cases

Dieticians

Physiotherapists

Orthopaedic
surgeons

Paediatricians

Nurses

Occupational
Therapists

Ophthalmologists

Speech and
Language
Therapists

Orthotists

To do list

Improve current litigation process

Design new legislative framework

Improve DOH risk management framework

Design Care Packages for Cerebral Palsy

How to do your job: Florence Nightingale Model

Personal
professional
creed

Interdisciplinar
y problem-
solving

Research

Engaging
authorities

Fundraising

Empathy

Systems
thinking

Source: Bernard Cohen, Scientific American, 1984

Comments ? Questions?

Your thoughts ?