# NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION NO. 2169**

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**(INTERNAL QUESTION PAPER NO. 25)**

**Mrs A M Dreyer (DA) to ask the Minister of Health:**

(a) What is the total number of claims of medical negligence that have been instituted against his department (i) in the (aa) 2014-15, (bb) 2015-16 and (cc) 2016-17 financial year and (ii) since 1 April 2017, (b)(i) what is the (aa) nature and (bb) total amount paid for medical negligence claims against his department in (aaa) settlement agreements (bbb) court orders in each financial year?

###### NW2400E

**REPLY:**

The following tables reflect the details in this regard.

**Table 1.**

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| **2014/15** |

| **PROVINCE** | **NUMBER OF MEDICO- LEGAL CLAIMS** | **NATURE OF THE CLAIM** | **TOTAL AMOUNT PAID FOR MEDICO- LEGAL CLAIMS** | **TOTAL AMOUNT PAID FOR MEDICO- LEGAL CLAIMS BY WAY OF SETTLEMENT AGREEMENTS** | **TOTAL AMOUNT PAID FOR MEDICO- LEGAL CLAIMS BY WAY OF COURT ORDERS** |
| --- | --- | --- | --- | --- | --- |
| Eastern Cape | 450 | Maternity casesOrthopaedic cases | R73 703 837.58 | - | - |
| Free State | 44 | Cerebral Palsy, Wrong diagnosis/medication, Surgical complications | R15 090 000.00 | R190 000.00 | R14 900 000.00 |
| Gauteng | 396 | Cerebral PalsyBotched operationsAmputationsHysterectomySpine complicationsAnaesthetic DeathsRetinopathy of premature (ROP)Uninformed consent | R 154 480 155.61 | 0 | R 154 480 155.61 |
| KwaZulu Natal | 176 | Obstetrics & GynaecologySurgicalOrthopaedic | R102 626 616.05 |  |  |
| Limpopo | 93 | Cerebral PalsyOrthopaedicsSurgicalObstetric& Gynaecology | 0 | 0 | 0 |
| Mpumalanga | 149 | Maternity casesOrthopaedic cases | R 2 773 768.00 | R 280 000.00 | R 2 493 768.00 |
| North West | 53 | Maternity casesOrthopaedic cases  | R 19 978 582.84 | R 19 978 582.84 | 0 |
| Northern Cape | 4  | Cerebral PalsySurgical | R80 000.00 | R80 000.00 | Nil |
| Western Cape | 197 | Medical malpractice claims | R 22 587 000.00 | R 22 587 000.00 | Nil |
| **TOTALS** | **1562** |  | **R391 319 960.08** | **R20 528 582.84** | **R171 873 923.61** |

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| **2015/16** |
| **PROVINCE** | **NUMBER OF MEDICO- LEGAL CLAIMS** | **NATURE OF THE CLAIM** | **TOTAL AMOUNT PAID FOR MEDICO- LEGAL CLAIMS** | **TOTAL AMOUNT PAID FOR MEDICO- LEGAL CLAIMS BY WAY OF SETTLEMENT AGREEMENTS** | **TOTAL AMOUNT PAID FOR MEDICO- LEGAL CLAIMS BY WAY OF COURT ORDERS** |
| Eastern Cape | 524 | Maternity casesOrthopaedic cases | R147 882 433.20 | - | - |
| Free State | 40 | Cerebral Palsy, Wrong diagnosis/medication, Surgical complications | R20,614,459.59 | R70,000.00 | R20,544,459.59 |
| Gauteng | 330 | Cerebral PalsyBotched operationsAmputationsHysterectomySpine complicationsAnaesthetic DeathsRetinopathy of premature (ROP)Uninformed consent | R433 336 588.66 | 0 | R 433 336 588.66 |
| KwaZulu- Natal | 210 | Obstetrics & GynaecologySurgicalOrthopaedicPaediatric | R75 752 135.62 |  |  |
| Limpopo | 122 | Cerebral PalsyOrthopaedicsSurgicalObstetric& Gynaecology | R6 883 452.00 | R50 000.00 | R6 783 452.99 |
| Mpumalanga | 168 | Maternity casesOrthopaedic cases Mental Health care user case | R 14 538 941.92 | R 737 249.00 | R 13 801 692.92 |
| Northern Cape | 9  | Cerebral PalsySurgical | R70 000.00 | R70 000.00 | Nil |
| North West | 126 | Maternity casesOrthopaedic cases  | R 14 147 274.00 |  R 7 696 946.00 | R 6 450 328.00 |
| Western Cape | 203 | Medical malpractice | **R 17 641 080.30** | **R 17 641 080.30** | Nil |
| **TOTALS** | **1 732** |  | **R730 866 365.29** | **R26 265 275.30** | **R480 916 522.16** |

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| **2016/17** |
| **PROVINCE** | **NUMBER OF MEDICO- LEGAL CLAIMS** | **NATURE OF THE CLAIM** | **TOTAL AMOUNT PAID FOR MEDICO- LEGAL CLAIMS** | **TOTAL AMOUNT PAID FOR MEDICO- LEGAL CLAIMS BY WAY OF SETTLEMENT AGREEMENTS** | **TOTAL AMOUNT PAID FOR MEDICO- LEGAL CLAIMS BY WAY OF COURT ORDERS** |
| Eastern Cape | 424 | Maternity casesOrthopaedic cases | R218 784 980.55 | - | - |
| Free State | 44 | Cerebral Palsy, Wrong diagnosis/medication, Surgical complications | R32,997,664.87 | R1,190,000.00 | R31,807,664.87 |
| Gauteng | 521 | Cerebral PalsyBotched operationsAmputationsHysterectomySpine complicationsAnaesthetic DeathsRetinopathy of premature (ROP)Uninformed consent | 566 900 336.00 | 0. | 566 900 336.00 |
| KwaZulu- Natal | 138 | Obstetrics & GynaecologySurgicalOncologyUrologyOphthalmology | R241 926 630.19 |  |  |
| Limpopo | 218 | Cerebral PalsyOrthopaedicsSurgicalObstetric& Gynaecology | R74 174 281.15 | R11 583 685.00 | R62 590 596.15 |
| Mpumalanga | 220 | Maternity casesOrthopaedic cases Mental Health care user case | R 33 274 495.67 | R 1 696 687.00 | R 31 577 808.67 |
| Northern Cape | 32  | Cerebral PalsySurgical | R 70 000.00 | R 70 000.00 | Nil |
| North West | 72 | Maternity casesOrthopaedic cases  | R 48 198 000.00 | R 27 957 629.96 | R 20 240 370.04 |
| Western Cape | 265 | Medical malpractice  | R 17 426 356.96 | R 17 426 356.96 | R20,000,000.00 |
| **TOTALS** | **1934** |  | **R1 233 752 745.39** | **R59 924 358.92** | **R733 116 775.73** |
| **2017/18** |
| **PROVINCE** | **NUMBER OF MEDICO- LEGAL CLAIMS** | **NATURE OF THE CLAIM** | **TOTAL AMOUNT PAID FOR MEDICO- LEGAL CLAIMS** | **TOTAL AMOUNT PAID FOR MEDICO- LEGAL CLAIMS BY WAY OF SETTLEMENT AGREEMENTS** | **TOTAL AMOUNT PAID FOR MEDICO- LEGAL CLAIMS BY WAY OF COURT ORDERS** |
| Eastern Cape |  |  |  |  |  |
| Free State | 26 | Cerebral Palsy, Wrong diagnosis/medication, Surgical complications | R13,650,000.00 | R13,500,000.00 | R150,000.00 |
| Gauteng | 90 | Cerebral PalsyBotched operationsAmputationsHysterectomySpine complicationsAnaesthetic DeathsRetinopathy of premature (ROP)Uninformed consent | R 46 604 718.99 | 0 | R 46 604 718.99 |
| Kwazulu- Natal | - | Obstetrics & GynaecologySurgicalOncologyUrologyOphthalmology | R134 436 666.80 |  |  |
| Limpopo | 116 | Cerebral PalsyOrthopaedicsSurgicalObstetric& Gynaecology | R1 243 160.00 | R265 000.00 | R978 160.00 |
| Mpumalanga | 80 | Maternity casesOrthopaedic cases Mental Health care user case | R 25 947 455.00 | R 310 000.00  | R 25 673 455.00  |
| Northern Cape | 11 | Cerebral PalsySurgical | Nil | Nil | Nil |
| North West | 37 | Maternity casesOrthopaedic cases  | R25 119 377.36 |  R 24 470 641. 36 | R 648 736.00 |
| Western Cape |  |  |  |  |  |
| **TOTALS** | **360** |  | **R247 001 378.15** | **R38 545 641.36** | **R74 055 069.99** |

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