

Death by medico legal claims

By Lindy Wilson, DA Shadow Deputy Minister of Health

"We are killing people and crippling families."

"When we cannot treat children in the ICU, we send them to a general ward, and warn the parents that they are going to die."

These are just two of the statements we heard in the recent oversight of hospitals in Nelson Mandela Bay.

Apart from corruption and maladministration, the collapse of Health in the Eastern Cape and indeed the country, is due to medico-legal claims.

The Eastern Cape Department of Health have been sued for R500 million in negligence claims. And this from just 45 of the thousands of claims going to court. Of these 45 claims, the Department lost all but two cases and been ordered to settle 42 of them on merits as there is no legal basis to defend the matters. In several cases, the hospital records of the complainants cannot be found. The Department is now bankrupt.

For every case, the Department is forking out R1.5 million in legal fees, not included in the sums.

The end result is appalling conditions in hospitals, which are underfunded, understaffed, and under equipped. It is little wonder health facilities are referred to as *"hospitals of death"* – words we also heard during our oversight the past weekend.

However, it appears no one is dealing with one critical reality. Medico-legal claims are leading to more medico legal claims. Orthopaedics who cannot operate because they have no implant, ENT surgeons who are forced to operate in theatres without lights, children who die because they cannot be treated in an ICU due to understaffing, will lead to further costly claims.

With every legal claim lost in court, further staffing cuts are experienced, less equipment is procured, no infrastructure maintenance is done, and more people suffer.

Every corrupt lawyer is jumping on the claim bandwagon. They know that the records are unlikely to be found. They know that hospitals are understaffed and unable to cope. We are facing another State capture at a completely different level.

The country owes an estimated R125 billion in legal claims as a result of the cadre deployment, corruption and maladministration of an ANC government that does not care about the people of South Africa.

The NHI is not the answer. Millions have been wasted on a Bill not yet passed. R30 million has been spent to employ people in the NHI directorate while poor South Africans are dying and lay maimed in hospitals.

Medico-legal claims won't go away. They will continue to escalate, killing health care.

You cannot tax the people of the country to fund your total incompetence. Shame on you.

I thank you.