

# Study: Escalating civil cases against private hospitals due to nursing malpractice

Nursing malpractice has resulted in a significant rise in civil claims against private hospitals, according to a study by Professor Ethelwynn Stellenberg of the Department of Nursing and Midwifery at Stellenbosch University's Faculty of Medicine and Health Sciences (FMHS).



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“The quality of care is declining in both the state and private sectors. The cost of clinical mistakes is just too high.” It is not only the increase in the number of claims that is troubling, but also the scale, with many amounting to pay outs of millions of rand. In the end these costs are passed on to the consumer,” she says.

Failure to follow guidelines and poor monitoring of patients are contributing factors in these malpractice cases. She finds it concerning that most of these cases are settled quietly, which means that important information does not reach the people who use private hospitals.

The study mainly focused on Gauteng and the Western Cape, where the biggest hospitals are situated. Stellenberg reached out to large healthcare organisations early in the process to try and acquire court documents for the study, but her requests were denied after they sought legal advice.

Her Plan B was to approach attorneys involved in malpractice claims. “Fortunately, many of them saw the need for this research,” says Stellenberg, who has presented the findings of this study nationally and at the International Society for Quality Health Care.

## Study results

A total of 122 completed cases were studied, of which a fifth resulted in the death of patients. In all, 74% of the cases were settled out of court. Nursing malpractice affected the quality of life of a considerable number of the victims (69%), with 43% requiring additional surgery and 25% left with disabilities.

In total, 79% of the patients were forced to stay in hospital for a longer period of time. At the top of the list of factors that contributed to civil claims is the failure to follow guidelines (91%), followed by, among others, a lack of knowledge (75%), poor monitoring of patients (69%), failure to administer prescribed medication (66%), failure to respond to clinical signs

(63%) and insufficient training (52%).

## **Bleak picture**

Stellenberg paints a bleak picture of nursing care in private hospitals, where she found that staff take less and less initiative, and substandard appointments are made in critical care areas, such as theatres.

She is especially worried about the fact that care workers are performing the functions of nursing staff in many cases, hence her recommendation that care workers or suboptimal staff not be employed in acute care hospitals as a basic premise.

Stellenberg noticed an alarming lack of interpretation among nursing staff. According to her, staff will write down the readings of machines monitoring patients, but they won't necessarily pay attention to basic nursing care, like doing a physical examination after back surgery to make sure that patients have sensation in their feet or legs.

In some cases, specific complaints about this issue were ignored, with serious consequences. As far as nursing categories are concerned, registered nurses were involved in 87% of the cases. "This should raise a red flag for our country," says Stellenberg. "Not only is the state sector under pressure, but the private sector as well. We are burying our heads in the sand if we think that nursing in private hospitals is better than in state hospitals. This issue can't just be swept under the rug. We will have to find a way to apply pressure to ensure safe and quality care for patients. Profits can't be pursued at the expense of the patient. And integrity and ethical leadership are of critical importance."

The study was funded by a grant from the National Research Foundation (NRF). The first phase of the study, which focused on the private sector, has been completed. Under the guidance of Stellenberg, this phase also resulted in two students obtaining their Master's degrees in March this year. The second phase concentrates on state hospitals and is currently underway.

**Source:** Stellenbosch University Faculty of Medicine and He

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