

Dozens of gynaes could walk away this year

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Skyrocketing medico-legal claims threaten to cripple South Africa's public and private health sectors as specialists face exorbitant litigation. Without drastic intervention, experts warn, healthcare could soon become unaffordable - or unavailable.



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“Something’s got to give,” says David Campbell, managing director at medical indemnity insurance company MPLA. He says South Africa’s laws allow for medico-legal claims to haunt health workers up to 19 years after an incident. The possibility that healthcare workers will have to pay for mistakes made years ago is forcing insurance companies to increase medical indemnity rates radically, he says.

“The reason that the premiums are so high is not based on a projection of the future or the present, it’s based on what they might discover you did in the past, which you can’t even remember,” Health Minister Aaron Motsoaledi told Bhekisisa in May.

Bhekisisa previously reported that in 2009 obstetricians and gynaecologists paid R78,000 for insurance. In 2017, the Medical Protection Society’s insurance costs around R800,000 – an increase of 925%.

Motsoaledi has said that professionals specialising in difficult areas of medicine, such as orthopaedic surgery, were among

those most targeted by medico-litigation and a concurrent rise in insurance prices.

Campbell explains: “High-risk specialists like obstetricians and neurosurgeons will either become unaffordable or unavailable. Obstetricians are already leaving the field – and rightfully so. A 50-year-old obstetrician would be right to worry about a summons of however many zeros arriving at their door at age 69.”

President of medical professional body the South African Society of Obstetricians and Gynaecologists (Sasog) Johannes van Waat says the organisation’s records show about 50 obstetricians left the field in 2016 – almost 7% of their members. He says Sasog expects to lose 100 more this year if the litigious trend persists.

Van Waat explains: “Some members retired, but mostly obstetricians are reverting to gynaecology to avoid delivering babies since litigation is spiralling out of control.”

Campbell says backlogged claims should be given an expiry date. He adds that legislation should be amended to stipulate that future claims must be prosecuted within three years after the incident occurred, as was the case under the Road Accident Fund. Although he admits this might cause a sudden spate of claims, Campbell argues unclogging the system will give insurers a better chance at predicting future losses. This will, in turn, bring down medical indemnity rates and the cost of health care, he says.

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Source: *Bhekisisa Centre for Health Journalism*

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