

An Insurance Perspective on Medical Malpractice

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INTERVIEW/AGENDA

Introduction

What every Physician should know

How medical malpractice affects insurance

The way forward

Conclusion

INTRODUCTION

What is medical malpractice

- the commission of an unwise act
or the omission of a necessary act

Forms of malpractice

- misdiagnosis, wrong decisions and
wrong treatment

Results in

suffering permanent injury

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What is medical malpractice Insurance

- insures against claims for medical malpractice
- legal, expert witness fees, other expenses
- Any other extentions

What you should know

What and who is covered

Limits of Indemnity

Types of Policy issued

- claims basis
- occurrence basis

Financial strength of the Company

How Medical Malpractice Affects Insurance

Doctors are some of the smartest members of any society (years of training and constant retraining)

Baby Satrin Osinya (commendable)

An important insurance ecosystem

Examples of Medical Malpractice cases that affect Insurance

Dana Carvey - 2001 USA

- Bypass on wrong artery
- Claim for US \$7.5 million
(Kshs.630,000,000/=)

Mr. Church - USA 1995

- Wrong leg amputated
- Claim for US \$1.2 million
(Kshs.103,200,000/=)

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Mr .Benjamin Houghton

- Case of Testicular cancer
- Removed the healthy Testical
- Claim for US \$ 200,000 (Kshs.17 million)

Moore 1990 - US California

- Visited hospital in 1979 to 1983
- suffering from hairy cell leukaemia
- the doctors were harvesting his cells for research
- claim for US \$440,000 (Kshs.38,000,000/=)

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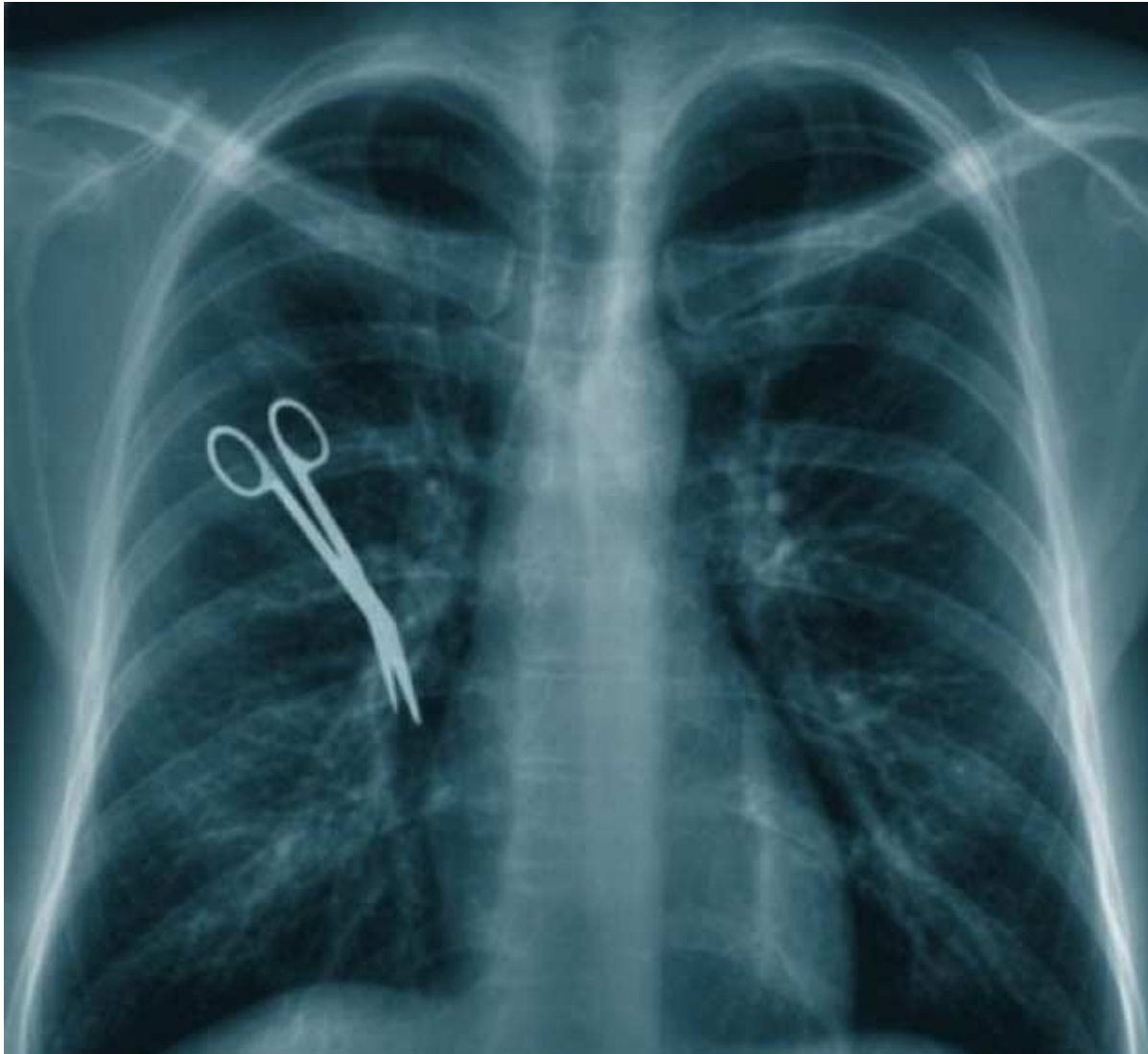
Case of Mr. Daryoush Mazarei

A ten inch long retractor (scissors) was left in his stomach

He went to have it removed

Was told to seek psychiatric care

Removed after a month of agonising pain





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n Kenya 12 April 2014 – Case of Lucy Njoki

- Family awarded Kshs.9,000,000/=

The case of J.O.O. – 2011.

- Young male aged 17 years
- Sustained cardiac arrest after anesthesia resulting in brain damage

EFFECTS OF MEDICAL MALPRACTICE ON INSURANCE

- Increased Premiums for MMI
- Increased Premiums for Healthcare Insurance
- Companies stop Underwriting MMI
- Companies go into Liquidation
- Leaving the market altogether

AY FORWARD

The doctrine of informed consent

Seek alternatives

- Captive insurances
- Risk retention groups
- Purchasing groups

Continuous training of new doctors

Regulatory reform/costing of claims

CONCLUSION

Implement Article 43 (1a) of the Constitution

Take Insurance Cover

Know the Cover

Adhere to ethical standards

Equip and ensure hospitals have adequate staff.

Fidelity to the Hippocratic Oath

