

Herman Jacobus Edeling

From: Herman Jacobus Edeling
Sent: 05 February 2019 10:00 AM
To: 'Bennett, Caroline'
Cc: Claassen, Judge Neels (neelsclaassen15@gmail.com); Dutton, Adv Ian (itdutton@law.co.za); 'Brad Beira'; Dr Henry Lerm (henry.lerm01@gmail.com); Reynolds, Mr Trevor (tlr@global.co.za)
Subject: FW: SA MEDICO-LEGAL INSTITUTE CONCEPT [MPS Public]
Attachments: SA Medico-Legal Institute-Concept-ID-BB-HE.pdf

Dear Caroline,

I have now had the opportunity to think and consult, and wish to get the ball rolling. In reply to your questions I believe a crisp response is most appropriate at this stage, and that these and other aspects should be developed more fully in a meeting of minds of all involved role players. You will appreciate that we are charting new waters, and that we welcome all the help we can get in the spirit of constructive cooperation we have already experienced in our informal Coalition. The concept document is attached hereto for convenience.

- What is the reason for setting up another separate body/company rather than a sub-group of SAMLA?
 - The fundamental reason relates to independence and trust. As much as SAMLA prides itself on being independent between opposing interests and groups, it is a Public Benefit Organisation that plays an advocacy role in South Africa. For example SAMLA advocates for ethical and competent medicolegal practice, as well as for the rights of vulnerable members of society when these are threatened. We envisage a manifestly independent South African Medicolegal Data Institute, whose exclusive purpose is the collection, collation and storage of relevant medicolegal information in a confidential and secure manner, in compliance with relevant legislation.
- What involvement and representation will there be from the private hospitals and state sector in terms of release of data?
 - We wish to secure buy-in from private hospitals and the state sector, as well as all other holders of relevant data. The intention is that all role players that are willing to participate will be treated in exactly the same manner. All players will participate on a 'data donation' basis. This will require that data is 'given' to the institute unconditionally. The natures of this type of data contribution are well documented, as recently as last month in 'The ethics of medical data donation'.
- Specifically, what data are you seeking and how will this be used – what work/outcomes will it drive/feed into?
 - Data sets are still to be determined and will be established by mutual agreement against both social need and availability of data. My thoughts include data on the occurrence and reasons for claims against healthcare practitioners; allegations of negligence that have been refuted or confirmed by agreement or by judgement; avoidable and unavoidable clinical errors that have resulted in harm; opinions, agreements or findings on how the harm may have been avoided; and methods, duration and costs of dispute resolution. Data will be researched, analysed and reported in a confidential and anonymous manner, for the primary intended outcome of promoting improved patient safety and the secondary intended outcome of promoting improved dispute resolution.

- Who will be doing the sourcing/verifying/securing and analysis of data – will the capability/skill set be in house/on the board? What are the proposed consistent scientific / bio-statistical methods that will be employed?
 - All functions of the Institute will be under the control of a nominated and duly elected board, subject to the MOI. It is envisaged that directors will be appointed on the basis of qualifications and experience inter alia in data science, enterprise- and system IT architecture, ethics, law, medicine and statistics. I believe it should be for the board to determine the scientific / biostatistical methods to be employed, as well as the functions to be performed by directors and functions to be contracted to service providers.

- What will be the governance to ensure appropriate data management and its availability ?
 - The governance will be specified in the MOI, in compliance with POPI, HIPAA and GDPR requirements, particularly to ensure confidentiality and security of data, to safeguard the privacy of individuals as well as the interests of contributing role players.

- This is a significant commitment in terms of time and resource - what will be put in place to ensure sustainability?
 - It is envisaged that role players will accept and appreciate the public benefits of the Institute, and that they, in line with their Corporate Social Responsibility policies, will be willing to participate on an ongoing basis. It is also believed that sustained and proper functioning of the Institute will facilitate interventions to reduce human harm and costs of settlements, which will relieve pressure from all role players. Commitment by participating undertakings in terms of human capital and time are to be determined by each third party without expectation and without prejudice. The Institute will be established in a manner which will provide for the issuing of tax exemption certificates. Additionally, undertakings can claim the non-financial investments as CSI/CSR spend.

Best regards,

Dr Herman Edeling

Neurosurgeon / Mediator
 Clinical Negligence Director
 Mediation Director
 Faculty Course Leader
 SA Medico-Legal Association



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From: Herman Jacobus Edeling <edeling@emlct.com>

Sent: 20 December 2018 8:42 PM

To: 'Bennett, Caroline' <Caroline.Bennett@medicalprotection.org>

Cc: Dutton, Adv Ian (itdutton@law.co.za) <itdutton@law.co.za>; Claassen, Judge Neels

(neelsclaassen15@gmail.com) <neelsclaassen15@gmail.com>

Subject: RE: SA MEDICO-LEGAL INSTITUTE CONCEPT [MPS Public]

Dear Caroline,

Thank you for your reply and for applying your mind to key aspects.

I will communicate with other stakeholders and look forward to talking to you in the new year.

Wishing you peace and joy,

Regards, Herman.

From: Bennett, Caroline <Caroline.Bennett@medicalprotection.org>

Sent: 20 December 2018 11:53 AM

To: Herman Jacobus Edeling <edeling@emlct.com>

Subject: RE: SA MEDICO-LEGAL INSTITUTE CONCEPT [MPS Public]

Dear Herman,

We have a number of questions regarding the above as follows:

- What is the reason for setting up another separate body/company rather than a sub-group of SAMLA?
- What involvement and representation will there be from the private hospitals and state sector in terms of release of data?
- Specifically, what data are you seeking and how will this be used – what work/outcomes will it drive/feed into?
- Who will be doing the sourcing/verifying/securing and analysis of data – will the capability/skill set be in house/on the board? What are the proposed consistent scientific / bio-statistical methods that will be employed?
- What will be the governance to ensure appropriate data management and its availability ?
- This is a significant commitment in terms of time and resource - what will be put in place to ensure sustainability?

Perhaps we can address these issues in the New Year? I am sure you have had questions from the other stakeholders too so if they are all collated we can have another discussion.

In the meantime best wishes for the festive season.

Kind regards

Caroline

Caroline E Bennett

Solicitor, Head of Regional and International Claims

PA; Jenifer Mackechnie/Mo Macfarlane

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From: Herman Jacobus Edeling [<mailto:edeling@emlct.com>]
Sent: 16 November 2018 11:48
To: Bennett, Caroline
Cc: Dutton, Adv Ian; Andre Calitz; Claassen, Judge Neels; John Mullins; Stephanie Chidambaram
Subject: FW: SA MEDICO-LEGAL INSTITUTE CONCEPT [MPS Public]

Dear Caroline,

Thank you for your message, which was forwarded to me by Stephanie.

The only correspondence we have at this stage from the SA Malpractice Lawyers Association is their covering letter and submission to Parliament concerning the SLA Bill. Please accept my apology if I inadvertently gave the impression that we had a letter from the SA Malpractice Lawyers Association about its formation. I have, however, spoken to Andre Calitz, who will on Monday send us a copy of their Constitution with a covering letter, for our records and for forwarding to you and other members of the Coalition.

Ian Dutton, who has been under extreme pressure to meet today's deadline in preparing the SAMLA SLA Bill submission to Parliament, will now finalise and circulate the minutes of the Coalition meeting asap. Herewith for your interest a copy of the SAMLA submission.

We very much look forward to your response (once you have the above) to our request for MPS to participate as a leading role player in the 2 working committees, one for development of the MOI for incorporation of the South African Medico-Legal Coalition, and the other for development of the MOI for incorporation of the proposed South African Medico-Legal Data Institute.

Best regards,

Dr Herman Edeling

Neurosurgeon
Clinical Negligence Director
Faculty Course Leader
SA Medico-Legal Association



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From: Bennett, Caroline [<mailto:Caroline.Bennett@medicalprotection.org>]
Sent: 15 November 2018 08:23 PM
To: Stephanie Chidambaram
Subject: FW: SA MEDICO-LEGAL INSTITUTE CONCEPT [MPS Public]

Hi Stephanie,

Thank you for sending the submission regarding the SLA bill.

Please could I now have the Association's letter to SAMLA about its formation with the minutes of our meeting on 3rd asap?

Kind regards

Caroline

Caroline E Bennett

Solicitor, Head of Regional and International Claims

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From: Bennett, Caroline
Sent: 13 November 2018 11:16
To: 'Stephanie Chidambaram'
Subject: FW: SA MEDICO-LEGAL INSTITUTE CONCEPT [MPS Public]

Hi Stephanie,

I wonder if you could confirm when the additional documents referred to below will be circulated?

Best wishes

Caroline

Caroline E Bennett

Solicitor, Head of Regional and International Claims

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From: Bennett, Caroline
Sent: 07 November 2018 13:12
To: 'Stephanie Chidambaram'; itdutton@law.co.za; edeling@emlct.com; jpe@ethiqal.co.za; bradb@constantigroup.co.za; Howarth, Graham; Van Gogh, Margi
Subject: RE: SA MEDICO-LEGAL INSTITUTE CONCEPT [MPS Public]

Dear Stephanie,

Thanks you for this which we will now consider.

I also look forward to receipt of the minutes and the SA Malpractice Lawyers Association's letter to SAMLA about its formation and the covering letter and submission made by the Association concerning the SLA Bill referred to at the meeting on Saturday.

Kind regards

Caroline

Caroline E Bennett

Solicitor, Head of Regional and International Claims

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From: Stephanie Chidambaram [<mailto:marine2102@law.co.za>]
Sent: 06 November 2018 09:28
To: Bennett, Caroline; itdutton@law.co.za; edeling@emlct.com; jpe@ethiqal.co.za; bradb@constantigroup.co.za; Howarth, Graham; Van Gogh, Margi
Subject: RE: SA MEDICO-LEGAL INSTITUTE CONCEPT

Dear Delegates,

Kindly find attached hereto the concept document which was introduced and tabled at the Coalition meeting of the 3rd of November 2018.

This document is forwarded in advance of the minutes to selected parties whose further input is required in order to facilitate expeditious discussion and comments thereon.

The minutes will be available during the course of the week.

**Kind regards,
IAN DUTTON
CONVENER: SOUTH AFRICAN MEDICO-LEGAL COALITION
Tel: (031) 301 8621**

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