



SASOG

South African Society of Obstetricians & Gynaecologists

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Medico-legal Crisis in South Africa Summit 5 May 2019 SASOG Presentation

1. **The South African Society of Obstetricians and Gynaecologists (SASOG)** is devoted to the welfare of our members and our patients, the women of South Africa.
 2. **The increase in medico-legal claims** in civil courts against Obstetricians and Gynaecologists has adverse effects on the discipline, the public at large and specifically on women. Obstetricians have basically become “uninsurable” and many have left or plan to leave obstetrics. Claims against the public sector will weaken the health system further and may send maternity services in a downward spiral.
 3. **Criminal cases and recent jail sentence** for professional negligence are of huge concern to all health care workers.
 4. SASOG works to **prevent medical negligence** claims by providing clinical care and governance programmes. BetterObs aims to improve maternity care at patient and hospital level and BetterGynae is in design phase with similar aims for gynaecology.
 5. Attempting prior **alternative dispute resolution** via mediation should be formalised and probably be made obligatory before court dates are given.
 6. **Expert witnesses** must meet the standards set by the profession and internationally; SASOG has drafted a guideline which we would like to see implemented.
 7. Medical malpractice claims relating to **changes in the legal landscape** must be addressed to limit unfair financial gains. There should be clearer guidance and stricter limits regarding contingency fee payments. Large lump sum payments may contribute to motivation for legal action and to unfair monetary gain for legal professionals.
 8. SASOG supports appropriate, fair, and sustainable **compensation of victims** of medical negligence as well as support, education and care to all people with injury, disabilities or special needs whether linked to sub-standard care or not.
 9. SASOG suggests maintaining once-off payments for past expenses, but a change to periodic payments for future expenses as well as to dependents compromised by an untimely death from a separate budget ring-fenced for medico-negligence claims to prevent a negative impact on health service delivery.
- J. There should be no **disparities in care** between public and private sectors in terms of right to compensation for victims of medical negligence. Compensation for future medical expenses and care needs should be based on a model of care that ensures standardisation and equal opportunity.
1. SASOG supports the establishment of **specialised courts for medico-legal matters** to address shortcomings in bureaucratic processes and complex hearings in different forums.
 2. The **criminal liability for professional negligence** of professional health care workers must be addressed.
 3. SASOG acknowledges the need to work with all interested parties to address the current medico-legal challenge in a fair way allowing continuation of care women of South Africa.

Prof L C Snyman
Chair: SASOG Medico-legal committee

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