

The important role of effective Case Management in helping to address the medico-legal crisis within South Africa

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The most recent definition of “Case Management” appointed by the Case Management Association of South Africa (CMASA) is as follows: “Case Management is a collaborative process of assessment, planning, facilitation, care, co-ordination, evaluation and advocacy for options and services to meet an individual’s and family’s comprehensive health needs through communication and available resources to promote patient safety, quality of care, and cost-effective outcomes.”

Traditionally Case Management has been largely associated with the health and social needs of the patient and the family and the monetary costs associated with chronic health conditions. The focus was predominantly on saving the burden of care in terms of medical health costs. Case managers were and still are predominantly nurses or social workers within this area of the industry. Money was available through the clients’ medical insurance /funders.

South Africa is very much a rainbow national with a unique set of circumstances. This is largely demonstrated in the changes in the functioning of the RAF and the increase in the number and complexity of the Personal Injury and Medical Negligence claims. With the payment of large sums of money for future medical expenses being paid out, systems were set up such as Trusts, Curators etc in order to protect the funds paid out. This resulted in the client and patients not being able to easily and readily access these funds and therefore not able to access or manage the very medical and therapeutic services that the funds were paid out for. Predominantly Fund Managers have the financial and not medical background and therefore do not know what the medical needs of the patients are. This resulted in the development of another area of Case Management that is still developing in the medico-legal field.

Effective case management has increasingly become recognised within the medico-legal industry worldwide as playing a critically important pivotal role in addressing the varied and multiple needs of complex cases, and in ensuring that allocated funds (both pre- and post-settlement) are used cost-effectively for the purpose for which they are intended. Broadly speaking, case managers appointed in medico-legal matters are essentially responsible for monitoring and co-ordinating all medical, therapeutic and rehabilitation services, and identifying and addressing any environmental and / or personal barriers that may be hampering the individual’s ability to perform at an optimal level. In the process of achieving these objectives, the case manager plays a key pivotal role in communicating with all role-players, including the legal parties and representatives, family members/ caregivers, funders, treating health care professionals, etc. This is a skilled and multi-faceted role, and the appointed case manager accordingly needs to have the appropriate qualifications and expertise.

Case Management in the medico-legal field is more than merely managing “the costs of” client or patient care in terms of medical, therapeutic, housing, transport, and adapted equipment etc. More importantly this form of case management assists in the “unseen costs” in terms of the burden of care of the patient on the family and their community. For example, “the costs” financially, emotionally and psychologically on all involved in the care of a patient i.e. parents being unable to work due to caring for their disabled children or family members; caregiver fatigue and burnout; family and social dynamic changes and a host of other unseen costs associated with the burden of care of the disabled.

However, while the valued role of effective case management in complex medico-legal cases has proven time and time again to add tremendous benefit to all parties, it has been identified that there is a need for clearer guidelines to be established to determine (amongst other things) the following:

- Various levels of training and therefore various roles of Case Managers;
- Who may be appointed as a case manager (e.g. i.r.o. qualifications, experience, etc.);
- Various options and various streams for post graduate training of Case Managers in line with international post graduate qualifications of Case Managers
- Establishing Standards of practice.
- The scope of practice of the case manager;
- Whether or not there is need for a professional organisation and accreditation of case managers; etc

Better co-ordination between all the already in place professional bodies, various associations and organizations who are already involved in the areas of Case Management;

During the course of 2018 the South African Medico-Legal Association (SAMLA) hosted a conference in Cape Town to start addressing these issues. Good progress was made, and we are confident that we have the necessary momentum and required expertise to carry this process forwards.

There are already courses offered by DUXAH (Dux Academy of Healthcare) in association with CMASA, a short training session by SAMLA in Case Management and various workshop trainings offered by The Skills Basket in association with OTASA (Occupational Therapy Association of South Africa). However, we are of the opinion that collaborative effort needs to be made by representatives of all relevant sectors (including policy makers, relevant institutions / organisations, training institutions, legal practitioners, funders, health care practitioners and case managers) to ensure that the most effective framework and scope of practice for medico-legal case managers is developed in the future.

Activating and streamlining the databases of professionals already listed and represented by their various professional bodies, medical insurance industry, organizations and Associations such as the RAF, DUXAH, CMASA, SAMLA, OTASA. Etc. More open communication, information sharing and partnerships between Government and Private sectors will see more clients and families being better serviced.

We believe that this is just one part, but an important part, of the jig-saw puzzle that will help to proactively and constructively address the current medico-legal crisis within South Africa.

