

'Admin process can cut negligence costs'

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Ireland's expensive medical negligence claims and legal costs could drop significantly if brought under a compensation process similar to the one operated by the Injuries Board.ie, according to its CEO.

InjuriesBoard.ie is a statutory body which provides independent assessment of personal injury compensation claims for work, motor and public liability injuries.

"Claims for medical negligence, or some of the occupational schemes specific for compensations for assaults or injuries incurred during work might benefit from a non-

adversarial model such as ours.

"If you can get the parties to put that [liability] to one side, there is a lot of value to the patient rather than a lengthy and very costly adversarial process. If the priority was to assess the extent of the injury and to make a fair assessment of the compensation payable, it would aid the recovery of patients and get them back to their life," Ms Patricia Byron commented.

The parties could split the cost and then settle the question of liability later, she said.

Ms Byron added that dragging patients through a lengthy litigation process could actually delay their recovery.

Legal costs and damages in relation to medical negligence claims are much higher in Ireland than in most other countries and are rising, according to the Medical Protection Society (MPS).

The company said 600 out of the 10,000 cases it handled worldwide in 2007, were from Ireland and cost it several million euros.

Despite refusing 95 Irish-based consultants indemnity cover to date, the Medical Defence Union (MDU) continues to assist with some cases in Ireland, making indemnity and legal payments of almost €10 million, some 30 per cent of its total payments, in 2007.

The State Claims Agency (SCA), which has a statutory brief through the Clinical Indemnity Scheme (CIS) to manage clinical claims and associated risks in all HSE and participating health enterprises and doctors, is currently managing 1,675 clinical claims (39 per cent of its total claims) with a contingent liability of €500 million (82 per cent of the estimated cost of all claims).

Clinical claims take on average three to five years to resolve and those claims received at the inception of the CIS in 2002 are only now maturing, the SCA said.