

Medical Malpractice in Africa

Medical Malpractice Liability aims to cover against Medical Negligence. Negligence is ‘a failure to act by professional medical standard, by acting in a way that deviates from the accepted medical standard of care, thus causing bodily injury or mental anguish to a patient’.

With the rise of COVID-19 and the uncertain future we all face, there is an increasing need for medical care. With that, the demand for insurance too is on the rise with doctors facing more and more claims for alleged negligence when the outcome of the treatment / surgery is not satisfactory.

Whilst having Medical Malpractice Liability is not currently a mandatory requirement in many countries in Africa, it should be. Whether claims are legitimate or not, they do happen and without protection in place, the healthcare provider in question is liable to pay any costs. Even illegitimate claims can incur significant defence costs!

As a specialist reinsurance broker focusing on Africa, we have seen an influx of Medical Malpractice enquiries coming through to us. The limits are however usually quite low which is often due to the reason behind the purchase being simply to meet regulatory requirements.

A limit of USD 150,000 can be exhausted within one claim and there are huge consequences to this. Medical Negligence claims (depending on the severity) can amount to Millions paid in defence costs, compensation and settlements. Once the limit has been exhausted, hospitals or professionals themselves are liable to cover any costs agreed or settled legally. Furthermore, if an individual is found negligent and their policy is inadequate to cover the costs it is likely the claim will be subrogated back to the hospital employing the individual aiming to cover these costs. As a result of this, hospitals can be shut down, individuals declared bankrupt and patients can be left with no real result from the Medical Negligence they faced. The consequences from purchasing an inadequate limit of liability can be catastrophic and it is imperative that both individuals and hospitals/entities purchase Medical Malpractice Liability.

Afro Asian recognises the changing needs when dealing with Medical Malpractice Liability and that is why we are continuously growing our relationships with a number of different reinsurers who are looking to offer competitive terms to give Medical Professionals the best possible solution with the best possible coverage.

Author – Ellie Murphy

Contact us – facbroking@afroasian-insurance.com