

Number: 049  
Date: 21. 10. 2014

**GAUTENG PROVINCIAL LEGISLATURE**

---

---

**REPLY**

---

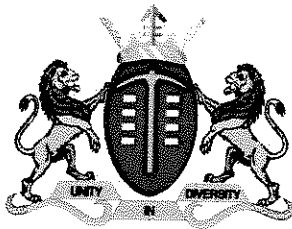
---

**HEALTH & SOCIAL DEVELOPMENT**

---


---

**SUBJECT: REPLY TO A QUESTION FOR WRITTEN REPLY**  
**From: THE MEC FOR HEALTH & SOCIAL DEVELOPMENT**  
**To: ALL MEMBERS OF THE LEGISLATURE (MPLS)**  
**Reference: QUESTION 5.HL&SS049**



# GAUTENG PROVINCE

HEALTH  
REPUBLIC OF SOUTH AFRICA

RECEIVED BY PROCEEDINGS DEPARTMENT
REPLY TO QUESTION NO. 049
DATE: 21/10/14 REPLY NO: 049
TIME: 11:30
SIGNATURE: 

Mr V. R. P Skosana  
Gauteng Legislature  
Johannesburg  
Private bag X52  
2000

**RE: RESPONSE TO LEGISLATURE QUESTION 5. HL049**

Herewith, are written responses to question 5.HL049 tabled by Mr J B Bloom of the Democratic Alliance.

With regard to monetary pay-outs for medical negligence, will the MEC please indicate:

- I. How many claims for medical negligence have been settled with monetary pay-outs so far this year;  
17
- II. In the case of each claim in 1) above, what were the details of the claim i.e. what was the claim related to;  
kindly see attached Annexure A.
- III. In the case of each claim in 1) above, how much in rands and cents was paid out or agreed to be paid;  
R79,585,709.56
- IV. How many claims are currently still before the Courts;  
76
- V. In each case in 4) above, what are the details of the claim and how much is being claimed in rands and cents  
R793,267,705.15.
- VI. How much in total in rands and cents was paid out in 2013 for medical negligence  
R359,170,697.77
- VII. How much has been paid in medical fees in 2013 and so far this year;  
2013- R36,746,275  
2014 -R5,615,303
- VIII. How many court cases has the department been involved in regarding medical negligence in the past five years;
  - 2009 – 2010 105
  - 2010 – 2011 103
  - 2011 – 2012 196
  - 2012 – 2013 302
  - 2013 – 2014 490
  - TOTAL 1196**

**IX. In how many of these cases did the department win or lose, or agree to a settlement;**

	Agreed to settle	Lost in Court	TOTAL
2009 - 2010	6	1	7
2010 - 2011	12	2	14
2011 - 2012	12	1	13
2012 - 2013	22	6	28
2013 - 2014	25	7	32
<b>TOTAL</b>	<b>77</b>	<b>17</b>	<b>94</b>

**X. What steps are being taken to deal with claims more effectively and fairly?**

The Department refers cases to a panel of Medical Advisors and Specialists for an early resolution and consideration for settlement wherein prospects of success are minimal .



Mr Lebogang Maile

Acting MEC: HEALTH

DATE: 25/10/14

MEDICO-LEGAL CLAIMS SETTLED APRIL - SEPTEMBER 2014

Name of Plaintiff	Date of Claim	Amount Claimed	Institution	Incidence	Ref Number	Settlement amount	Date settled	Handled by
Etiyel Chibira	2013/05/27	100 000.00	Steve Biko Academic Hospital	Alleged negligence in operating the wrong hip	HLS8/2064/05/13/Lm	75 000.00	2014/04/24	Ms. Mngomezulu
Lerato Petunia obo Tshepo Moletsane	2010/09/07	500 000.00	Chris Hani Baragwanath Hospital	Alleged negligence in treating a pregnant patient which resulted in birth of a baby with Cerebral Palsy	HLS8/1065/09/10/mn	2 600 000.00	2014/05/15	Ms. Nazo
Nomathemba Margaret Tshabalala	2011/03/29	3 800 000.00	Rahima Moosa	Alleged negligence is that a pair of scissors was left in a patients abdomen	HLS8/1171/03/11/ss	600 000.00	2014/05/19	Mr. Sitole
Jean Engelbrecht	2011/08/26	100 000.00	Steve Biko Hospital	Patient fell over an uncovered broken chair and injured herself	HLS8/1315/08/11/mn	28 065.05	2014/05/19	Ms. Nazo
Wilhemina Moremi	2010/02/12	300 000.00	Dr. George Mukhari Hospital	Alleged negligence during caesarian operation resulting in death of a baby	HLS8/963/02/10/mn	300 000.00	2014/05/23	Ms. Nazo
Teboho & Motshadi Mokheithi obo Thato Tshepo Mokheti	2011/05/31	9 000 000.00	Sebokeng Hospital	Alleged negligence in operatin a mass on a patient's neck which resulted in a patient losing use of his right arm	HLS8/1250/05/11/Lm	22 167 748.44	2014/05/23	Ms. Mngomezulu

Mr. Cleopus Souls	2009/09/22	932 000.00	Natalspruit Hospital	Alleged negligence in treatment of a patient with a gunshot wound resulting in amputation of the left leg	HLS8/881/09/09/nn	14 986 089.33	2014/05/28	Ms. Nazo
Sithole Luleka	2012/07/02	732 500.00	Chris Hani Baragwanath Hospital	Alleged negligence in performing a sterilization on patient without her consent	HLS8/1618/07/12/ss	470 800.00	2014/05/30	Mr. Sitole
Siphamandla Zililo	2009/06/09	1 000 000.00	Johannesburg Hospital	Alleged negligence in administering of a drip resulting to patient lower arm being amputated	HLS8/803/06/09/jm	1 000 000.00	2014/06/13	Mr. Macheke
Mrs. Lovell Gradwell	2007/07/04	4 300 000.00	Tambo Memorial Hospital	patient was operated on the 21st July 1998 for gallbladder removal which was discovered on the 21st August 2006 that it was never removed. She went for the second operation on the 11th October 2006	HLS8/563/07/07/iss	250 000.00	2014/06/13	Mr. Sitole
Neleisiwe Portia Mtshali obo Gugulethu Mtshali	2010/09/07	500 000.00	Chris Hani Baragwanath Hospital	Alleged negligence in treating a pregnant patient which resulted in birth of a baby with Cerebral Palsy	HLS8/1063/09/10/Lm	9 000 000.00	2014/06/11	Ms. Mngomezulu

Nomvula Cynthia Magwayi obo Chumani Magwayi	2009/12/14	15 668 125.00	Pholosong Hospital	Alleged negligence by hospital staff resulting to minor child born with brain damage	HLS8/934/12/09/Lm	14 589 047.67	2014/07/16	Ms. Mngomezulu
Makethu Queen Mpinga	2010/01/12	2 400 000.00	Pholosong Hospital	Plaintiff had severe pain on her left leg, then examined and treated then later leg was septic and worsened which resulted in her leg been amputated	HLS8/941/01/10/nn/JT	138 941.07	2014/08/15	
Thomas Gerber	2012/09/17	450 000.00	Sebokeng Hospital	Alleged negligence in performing an operation on the patient's eye which permanent injuries such as blindness and discomfort	HLS8/1729/09/12/Lm	280 000.00	2014/08/27	
Nelesiwe Portia Mtshali obo Gugulethu Mishali	2010/09/07	500 000.00	Chris Hani Baragwanath Hospital	Alleged negligence in treating a pregnant patient which resulted in birth of a baby with Cerebral Palsy	HLS8/1063/09/10/Lm	12 000 000.00	2014/08/25	

