

[Print this page \(#\)](#)

Failing healthcare hit by double-whammy

Nov 19, 2012 | KATHARINE CHILD

"You get what you pay for."



" 'I am suing every health MEC in the country'"

This was the answer given to Jacolenne Fourie when she asked a nurse what would happen if her baby was born with health problems.

Fourie had been struggling through the delivery of her son (now six years old) for hours and had pleaded for a Caesarean section to speed the delivery.

In 2006, Fourie's son was born with cerebral palsy at the Edenvale General Hospital and is unable to walk or sit without assistance.

Fourie sued the Gauteng department of health for negligence. She won the case and her lawyer, Stephan Flowers, said a judge would award damages in February.

Fourie is just one of many mothers who have sued the department for negligence in connection with child birth.

Lawyer Gary Austin deals with three to four cases of brain-damaged babies a month due to complications in delivery.

Most of the allegations are directed at government hospitals.

He has won several cases against the Gauteng department of health this year and says that courts are now awarding millions in damages.

In the most recent case, Judge Colin Lamont ruled on November 1 that the Gauteng premier and the MEC for health pay Makgomarela Itumeleng damages after she was given labour-inducing drugs at the Far East Rand Hospital too late, and was checked only three times in the 14 hours of labour.

Lawyers specialising in medical negligence say instances of babies suffering brain-damage during birth in provincial hospitals are not "occasional".

In April, Austin won damages of R11.3-million for Fuki Skhosana after her son, who weighed 6kg at birth, was brain damaged.

Skhosana was denied a Caesarian section delivery at Far East Rand Hospital.

"I am suing every health MEC in the country - all of them [are facing] more than [one case]," said Austin.

He says he has won about R30-million from provincial health departments in the past seven months.

"It is shocking that the taxpayer is paying such a large amount towards medico-legal costs.

"Imagine if that R30-million were spent on a hospital."

Gauteng department of health spokesman Simon Zwane said the department was aware that it had lost a number of medical negligence cases.

"It is a trend that has forced private gynaecologists to pay high medical insurance," he said.

"The department is taking steps to turn around and improve healthcare to prevent further problems and to avoid further lawsuits."

Flowers said poor standards of nursing in provincial hospitals were exposing the department to more and more medical claims.

And Jack Bloom, Gauteng DA spokesman on health, warned that the provincial health department was on the verge of running out of money before the end of the financial year.

"There is an avalanche of cases," said Bloom.

He said the Gauteng department of health lost two cases last month alone.

The department admitted on Friday to being short of funds.

Health MEC Hope Papo said that it would run out of money in February, two months before the end of the financial year, because it was under-budgeted by about R300-million a month.

But with legal claims of R1.4-billion against it, according to its latest annual report, it could face further budgetary constraints.

Austin said the difference between a public and a private hospital was that employees in public hospitals did not face disciplinary action over cases of negligence.

~ o O o ~