By early next year all health care practitioners will have to provide the Health Professions Council of South Africa (HPCSA) with proof of mandatory indemnity cover.

This is the outcome of concern first expressed by the Professional Board of Psychology (PBPSA) to the HPCSA several years ago.

Confirming that he was a prime motivator for regulations that are now part of the National Health Act, Professor Saths Cooper, immediate past-chairman of PBPSA, said concern was mainly for patients who sued practitioners not indemnified or insured.

At present lawyers may not practise without fidelity cover, yet health care professionals may (albeit unwisely in the increasingly litigious climate) – until the regulations kick in early next year.

These patients, after suffering ‘emotional, physical and/or financial harm’, found they could not be paid out because the doctor was unable to afford the damages awarded.

‘Patients are dealing with people who have the power to make life and death decisions about them, yet not all of them are covered or insured,’ Cooper explained.

He said that ‘besides turning to a priest or God’, people next turned to a lawyer or health care professional when it came to matters of life and death.

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Systems favours the rich

Added Cooper: ‘Our legal system is totally for the very wealthy and there’s evidence that when a practitioner sees complaints coming they sometimes quietly de-register from their professional board’.

He claimed to have seen psychologists do this and said this left the complainant with little chance of financial compensation as the HPCSA could then ‘not touch them’.

Cooper was responding to the HPCSA announcement that it was moving to protect both health care ‘consumers’ and practitioners when it comes to a practitioner’s ability to comply with court judgments.

He said complainants often backed down when they realised that the health care professional had taken legal and collegial advice, ‘and that’s the end of the matter’.

One irony was that historically complainants to the PBPSA had come from mainly white privileged people, ‘in other words your typical platteland Afrikaner’.

Hired guns

Asked to give an example of the kind of case that first aroused concern in the PBPSA, Cooper cited child custody battles where a psychologist was asked to assess a child.

‘They don’t take a full history, hand in a single uncorroborated report where there’s just a hint of sexual molestation that impugns the father and the father is then denied custody or has his visitation rights curtailed,’ he said.

This kind of ‘legal manipulation’ was untenable and people needed to be able to seek recourse and/or redress.
Six doctors and key players in the transformation of the South African Medical Association into a progressive, socially relevant organisation were honoured at a presidential banquet after SAMA’s annual general meeting (AGM) in Pretoria in July.

Announcing the names, outgoing SAMA president, Professor John Terblanche, warned the AGM that the transformation process was still underway with many doctors still outside the fold.

‘To be truly influential we must persuade the majority of doctors to join and be members – I’m sure that will be a priority for our new Secretary General, Dr Aquina Thulare,’ he added.

Terblanche said unification could not have been achieved without the significant contributions of ‘so many other dedicated people’, and paid tribute to the many unsung heroes of transformation.

Citations
The six are Drs Hendrik Hanekom, Bernard Mandell, Zolile Mlisana, Percy Mahlathi, Lasie Mogudi (SAMA’s new President), and Mohamed Adam.

Terblanche said unification could not have been achieved without the significant contributions of ‘so many other dedicated people’, and paid tribute to the many unsung heroes of transformation.

SAMA’s transformation in the mere 5 years since I joined SAMJ’s Izindaba has produced high drama, including personality fall-outs, resignations, court threats, a board collapse, racial intrigue and a high-profile forensic audit.

They have resulted in a tightening up of reporting structures and procedures, staff streamlining and improved liaison between SAMA’s operational and executive teams – all intended to benefit doctors country-wide.

Unification history
Terblanche singled out three dates in the painful overall transformation as ‘crucial milestones’.  
• 20 September 1997 – the signing of the ‘Agreement of Understanding’ after years of negotiations between MASA and 6 other doctor groupings.  
On the MASA side, chairman of MASA’s federal council, Bernard