

Compensation for injury from medical treatment

To the Editor: I would like to congratulate the Editor on his excellent editorial entitled 'Compensation for injury from medical treatment is a social justice obligation' in a recent *SAMJ*.¹

His comments were highly informative, particularly the data from the USA and UK.¹

As a plastic surgeon, I was especially pleased to note his comments on South African doctors who undertake 'technical procedures for which they are ill qualified, employing new technology with which they have little or no experience, promising outcomes about which there is dubious certainty . . . '.

Professor Ncayiyana's comments on the shortcomings of the tort legal route are extremely pertinent. Apart from the cumbersome nature of the process, it is a constant source of amazement that judges with no medical background are called upon, frequently without the assistance of assessors, to rule on

the merits of a medical negligence suit and to assess the extent of the damages suffered by the injured party.

The suggestion that a sophisticated form of peer review (which is after all what an expert panel of arbitrators would be) would provide a simpler, quicker, cheaper system is a wise one.

Sadly the HPCSA, like its predecessor the SAMDC, continues with unflinching regularity to let down the public of South Africa in dealing inefficiently and ineffectively with far too many legitimate complaints of the nature referred to in the editorial, while managing to strike doctors off the roll for the major crime of failing to pay their registration fees timeously!

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1. Ncayiyana D. Compensation for injury from medical treatment is a social justice obligation (Editorial). *S Afr Med J* 2004; **94**: 303.