

SCA Query Reference	Q100749
Query Title	PQ 15322/19– Medical Negligence
Requestor	Mr. Michael McGrath TD
Date of request	28/03/2019

### Query:

‘To ask the Minister for Health the number and value of claims paid out by the State Claims Agency in 2017 and 2018 in relation to medical negligence cases; the top ten individual payouts in 2018; the claims in this regard, for example, late cancer diagnosis or misdiagnosis or negligence at delivery of a new baby; and if he will make a statement on the matter.’

### Response from SCA:

The information contained in this report has been extracted from the National Incident Management System (NIMS). Medical negligence claims are identified on NIMS through the Incident / Hazard Category of Clinical Care, therefore, this report relates to Clinical Care claims being managed by the SCA.

### Criteria used

- Incident/Hazard Category – Clinical Care.
- Payments from 01/01/2017 to 31/12/2018
- This relates to all healthcare locations and private healthcare schemes
- The figures are correct as of 28/03/2019

### Question 1

‘The number and value of claims paid out by the State Claims Agency in 2017 and 2018 in relation to medical negligence cases’

Table 1 shows the total amount paid on Clinical Care cases recorded on NIMS for 2017 and 2018. The Amount Paid consists of all Agency Legal Costs, Damages, Expert Costs and Plaintiff Legal Costs.

Year of Payment	Number of Claims	Amount Paid
2017	1,781	€249,771,190
2018	1,762	€268,451,460
<b>Total</b>	<b>2,613*</b>	<b>€518,222,650</b>

Table 1: Amount paid on Clinical Care claims in 2017 and 2018 and the number of claims related

\* 930 claims have received payments in the two separate years. The total of unique individual claims over the period is 2,613.

## Question 2

'The top ten individual payouts in 2018'

Table 2 shows the 10 Clinical Care claims with the largest Damages amounts paid in 2018, 7 of which relate to Cerebral Palsy.

#	Sub Hazard Type	Service	Amount Paid
1	Birth Specific Procedures	Maternity Services	€15,500,000
2	Birth Specific Procedures	Maternity Services	€10,000,000
3	Birth Specific Procedures	Maternity Services	€9,000,000
4	Birth Specific Procedures	Maternity Services	€8,800,000
5	Birth Specific Procedures	Maternity Services	€7,000,000
6	Clinical Procedures	Surgery	€6,300,000
7	Clinical Procedures	Surgery	€5,900,000
8	Birth Specific Procedures	Maternity Services	€5,000,000
9	Birth Specific Procedures	Maternity Services	€5,000,000
10	Clinical Procedures	Gynaecology	€4,375,000

**Table 2: Top 10 clinical claims by Damages amount paid in 2018**

**Definitions:****National Incident Management System (NIMS)**

Incidents (which include claims) are reported using the “National Incident Management System”. This is hosted by the State Claims Agency (SCA) for the HSE, other Healthcare enterprises and State Authorities. An incident can be a harmful Incident (Adverse Event), no harm incident, near miss, dangerous occurrence (reportable circumstance) or complaint.

**Claim**

A claim refers to notification of intention to seek compensation for personal injury and/or property damage where it is alleged the State was negligent. The application may be in the form of a letter of claim, an InjuriesBoard.ie application, or a written/oral request.

**Damages**

Damages payments include special and general damages payments.