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| SCA Query Reference | Q109823 |
| Query Title | PQ 27690/19 Claims against HSE |
| Requestor | Thomas P.Broughan |
| Date of request | 26/06/2019 |
| Report run date | 27/06/2019 |

Query

To ask the Minister for Health the current level of claims against the HSE; the cost of these liabilities over the past five years; and if he will make a statement on the matter.

Response from SCA:

The information contained in this document has been extracted from the National Incident Management System (NIMS). It reflects active claims figures as at 27/06/2019 and transactional expenditure over the 5 full year period 2014 – 2018. The figures only relate to claims against the HSE, and exclude claims against TUSLA and other clinical schemes, which are also funded by the HSE.

Criteria used

- Location at level 1 is equal to Healthcare
- Table 1 – Active Claims
- Table 2 – Amount Paid on Claims between 01/01/2014 and 31/12/2018
- This report is correct as of 27/06/2019.

Table 1 – Active Claims

| | Clinical | General | Total |
|----------------------------------------|----------------|--------------|-----------------------|
| Active claims | 3,285 | 3,395 | 6,680 |
| Outstanding Estimated Liability | €2,443,330,398 | €471,232,783 | €2,914,563,181 |

Table 1: Active Claims against HSE and outstanding estimated liability

Table 2 - Amount paid on HSE claims over the period 2014-2018

| | Clinical | General | Total |
|-------------------|--------------|--------------|-----------------------|
| Paid Total | €983,711,314 | €140,450,109 | €1,124,161,422 |

Table 2: Amount Paid on HSE claims between 01/01/2014 and 31/12/2018

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.

Clinical: Clinical incident on NIMS is one which falls under the Incident Hazard category of Clinical Care. This category includes incidents relating to the provision of services of a diagnostic or palliative nature. It also includes incidents relating to the provision of treatment. Incidents present in this category will be related to clinical procedures, birth specific procedures, medication incidents, or nutrition/blood related incidents.

General: A general incident on NIMS is one which falls outside of the Clinical Care Incident hazard category. This includes all incidents relating to Exposure to Physical Hazards, Exposure to Psychological Hazards, Exposure to Chemical Hazards, Exposure to Biological Hazards and Crashes/Collisions.

Outstanding Estimated Liability: This figure represents the best current estimate of the ultimate cost of resolving a claim minus the total amount paid on the claim to date. The estimates include all foreseeable costs such as settlement amounts, claimant legal costs and defence costs (such as fees payable to legal counsel, engineers, consultants etc.). These estimates may be revised on a regular basis in light of any new information received.

Paid Total: Figures with regards to damages, legal costs and expert costs may be reflected in this total.

Transaction Reporting Date: This refers to the date that payments were issued.