



## MEDICAL MALPRACTICE INSURANCE

With incredible advances in the field of medical science and technology, the healthcare industry has seen tremendous growth, but at the same time, this exposes healthcare professionals towards legal claims for medical malpractice.

Medical malpractice happens when a hospital, doctor or other healthcare professionals, through a negligent act or omission, causes an injury to a patient. The negligence might be the result of errors in diagnosis, treatment, aftercare or health management.



# TURTLE

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If a doctor or nurse fails to provide proper medical care in the way a responsible medical professional would, it's known as medical malpractice. There are a large variety of medical malpractice cases, based on the degree of negligence or recklessness, that a patient can claim in a lawsuit.

## WHAT CAN HAPPEN

- Misdiagnosis (Failure to Diagnose)
- Incorrect Medication
- Prenatal Care and Childbirth Negligence
- Surgery Mistakes (Surgery on Incorrect Body Parts)
- Anesthesia Administration
- Retained foreign objects

## WHAT CAN BE COVERED

- Professional Negligence while performing their duties
- Defence Cost / Legal Cost
- Compensation awarded by the court of law
- Hospital, Doctors and healthcare professionals



As a healthcare provider, it's vital to ensure you have the correct cover in place should medical malpractice allegation occur. Medical Malpractice Liability insurance can provide healthcare establishments and professionals; a protection against legal claims for negligent acts, errors and omissions that may arise from the provision of medical services.

## WHAT IS NOT COVERED

- Duties performed under the influence of drugs or alcohol
- Sexual misconduct
- Dishonest, fraudulent, criminal or illegal acts
- Injuries arising out of the use of autos, including loading or unloading of patients

**FOUR ELEMENTS OF NEGLIGENCE:****DUTY:**

With a doctor/patient relationship established, the doctor now has a responsibility to give that patient reasonable care in their treatment, which includes following basic, standard guidelines.

**BREACH:**

If reasonable care and standard medical guidelines are not followed, then the duty has been breached by the doctor.

**INJURY:**

The actual harm caused to a patient by a doctor. The harm must be a direct result of a doctor who has failed in their duty to provide medical care and therefore breached their contract and the injury must be a result of that failure.

**DAMAGES:**

The injury must cause the victim to have suffered damages, whether they are economic or non-economic.

**MEDICAL MALPRACTICE CASE EXAMPLES FROM ZAMBIA**

1. Dr. Sultanova Zumrad v Kalinda & Another (Appeal No. 201/2015) [2018] ZMSC 310 (19 September 2018) <sup>^</sup>
2. Attorney General v Mwanza and Another (Appeal No. 203/2014) [2017] ZMSC 140 (22 August 2017) <sup>^</sup>
3. Kopa v University Teaching Hospital Board of Management, SCZ No. 8 of 2007 <sup>^^</sup>

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## ABOUT TURTLE INSURANCE BROKERS

Turtle Insurance Brokers Ltd was established as a Limited Company to offer consultancy services both in Risk Management and Insurance Broking Services. As an independent Insurance Broker, we offer full service on Short Term (General Insurance), Long Term (Life) and Health Insurances and facilitate insurance placements for a broad range of clients from Sole traders to MNC's / Plc's.

As specialists in commercial insurances we can offer the care and technical expertise your business needs to ensure you "Stay Covered".

For any queries, please get in touch with us on +260 960 690 000 or email us at [info@turtleinsurance.net](mailto:info@turtleinsurance.net)

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Plot No. 6, Lubuto Road,  
Rhodes Park, Lusaka, Zambia  
P.O Box 36360 Tel: +260 211 254 500  
Email: [info@turtleinsurance.net](mailto:info@turtleinsurance.net)  
Web: [www.turtleinsurance.net](http://www.turtleinsurance.net)