

# Information Sheet for Public Patients Seeking Compensation

Sometimes when health consumers or their representatives lodge a complaint with a health care provider or the Health and Disability Services Complaints Office, they indicate that one of their desired outcomes is financial compensation.

It is important that health consumers feel able to pursue any such claims without it interfering in the overall complaints' resolution process. The purpose of this information sheet is to provide useful information to health consumers who feel they may be entitled to financial compensation.

## General Framework

- Public Hospitals cannot in general make offers of financial compensation to patients.
- Claims for financial compensation are usually referred by the hospital to the state government liability fund managers, RiskCover.
- RiskCover evaluates claims in accordance with general insurance principles. This means that if the hospital was not negligent, compensation cannot in general be paid. The final decision regarding
- compensation is made by RiskCover, not the hospital.
- If a claim for financial compensation is to be paid by RiskCover, the health consumer will generally be required to sign a Deed of Release which includes a confidentiality clause. By signing this document, the health consumer agrees that no further claim for compensation will be made, and that no legal action will be pursued in relation to the subject of the claim.

## How to submit a claim for Compensation

- Write a letter addressed to the Manager, Medico-Legal Services at the Hospital you are seeking compensation from.
- Describe in as much detail as possible the circumstances leading to your alleged loss, and on what basis you believe the Hospital has been negligent.
- You will need to outline what has happened, why you believe the hospital is responsible, the nature of any injuries and how the alleged incident has caused you to suffer harm.
- Detail the precise dollar amount you believe you are entitled to, and how you have calculated this amount. For example, you may wish to break down the sum into headings such as medical expenses, equipment expenses, time off work etc.
- Provide documentary evidence to support each component of your claim. This would typically include things such as receipts, accounts, or payslips.
- Your claim should be sent to the Manager, Medico-Legal Services, at the address of the hospital you are seeking compensation from.
- The claim will then be submitted by the Hospital to the health service insurer, RiskCover, for consideration.
- You will be contacted if any further information is required. Once a decision has been made in relation to your claim you will be notified. Depending on the complexity of the investigation the assessment of a compensation claim can take up several months to be determined.
- In formulating your claim and / or prior to signing any Deed of Release, you are advised to seek independent legal advice.