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## **MPS urges government to consider tort and procedural reform**

**The Medical Protection Society (MPS) is calling on the government to consider widespread tort and procedural reform to address the issues contributing to the rising cost of clinical negligence.**

MPS has published a paper that highlights the deteriorating claims environment, which is a result of large increases in the rate at which MPS medical members have been sued and the average size of those claims. The aim of the paper is to ignite a debate about the need to tackle some of the underlying causes behind the increasing cost of clinical negligence.

The paper suggests that the government should consider a package of measures including:

- A limit on general damages
- A cap on lawyers' fees in smaller value cases
- A Bill that defines the tort of clinical negligence and confirms that a tort is established only when a *breach* of duty and a *cause* of injury is proven
- Full implementation of the 2011 Law Reform Commission's review of the Limitation of Actions and an ultimate limitation period of ten years
- A Certificate of Merit.

The paper was launched yesterday, 25 November, at a roundtable meeting hosted by MPS at the Royal College of Surgeons in Dublin. The meeting was attended by officials from the Department of Health and representatives from professional organisations and industry bodies.

### **Director of Member Engagement at the Medical Protection Society, John Tiernan, said:**

"The claims environment in Ireland has deteriorated and the cost of clinical negligence has increased. The situation is further compounded by the lack of an efficient and predictable legal process, which leads to both doctors and patients enduring a high level of stress while they wait for a resolution, and the final cost of settling the claim becoming much more expensive.

"We have concerns that the claims experience, and therefore the cost of protection, for some specialities risks threatening the sustainability of private practice, negatively impacting on both the profession and patient care. Because of this, we want to help find solutions and are committed to pushing for reform to the legal process."

### **Mr Tiernan added:**

"We recognise that the recommendations put forward in the paper are not exhaustive. However, we do believe that they will begin to tackle some of the issues that have led to this unsustainable situation and we hope, stimulate an important debate."

Ends

**For further information or a full copy of the report, please contact Shannon Darling, MPS Press Officer on +44 (0) 20 7399 2019 or email [shannon.darling@mps.org.uk](mailto:shannon.darling@mps.org.uk).**

### **Notes to editor:**

- MPS has more than 16,000 doctors, dentists and health professional members in Ireland. The organisation has more than 290,000 members worldwide.

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## About MPS

MPS is the world's leading protection organisation for doctors, dentists and healthcare professionals. We protect and support the professional interests of more than 290,000 members around the world. Our benefits include access to indemnity, expert advice and peace of mind. Highly qualified advisers are on hand to talk through a question or concern at any time.

Our experts assist with the wide range of legal and ethical problems that arise from professional practice. This includes clinical negligence claims, complaints, medical and dental council inquiries, legal and ethical dilemmas, disciplinary procedures, inquests and fatal accident inquiries.

Our philosophy is to support safe practice in medicine and dentistry by helping to avert problems in the first place. We do this by promoting risk management through our workshops, E-learning, clinical risk assessments, publications, conferences, lectures and presentations.

MPS is not an insurance company. All the benefits of membership of MPS are discretionary as set out in the Memorandum and Articles of Association.

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