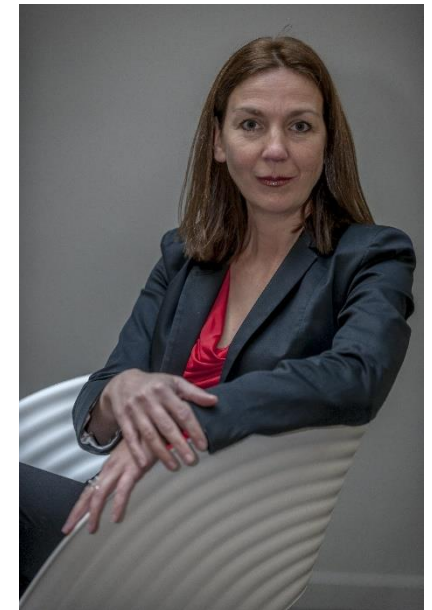


# Medical care complaints: Analysis of a Belgian sickness fund



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# Disclosure

<input checked="" type="checkbox"/>	No, nothing to disclose
<input type="checkbox"/>	Yes, please specify:



# Introduction



Patient choose

- a) medical professional
- b) place of treatment

Patient pay costs upfront

Sickness fund reimburse  
portion of charges

Sickness fund provide compulsory health insurance and support patients having a complaint according the received medical care



# Introduction

86% of medical care complaints regarded therapeutically interventions perceived as

‘unnecessary, inaccurate, complicated, associated with  
with  
medical error, or without (satisfying) result‘



Patients refuse to pay invoice



# Introduction

A  
D  
V  
I  
C  
E

Accept the situation

Seek legal justice



# Introduction



## Medical error?

### Belgian Civil Code

Patient has the burden of proof about:

1. The error
2. The damage occurred
3. The direct causal relation between error and damage sustained

### Fund Medical Accidents (2010)

= **no fault liability**: patient has only the burden of the proof about the damage:

- a) extraordinary character of the damage,
- b) severeness of the damage



# Purpose of the study

Sickness funds support patients having a complaint according the received medical care.



Fund Medical Accidents  
= no fault liability



How many of the complaints can be referred to the Fund Medical Accidents?



# Methods

A  
D  
V  
I  
C  
E

Accept the situation

Seek legal justice

Ask compensation at Fund





# Methods

Retrospective

1/8/2017  
31/12/2017

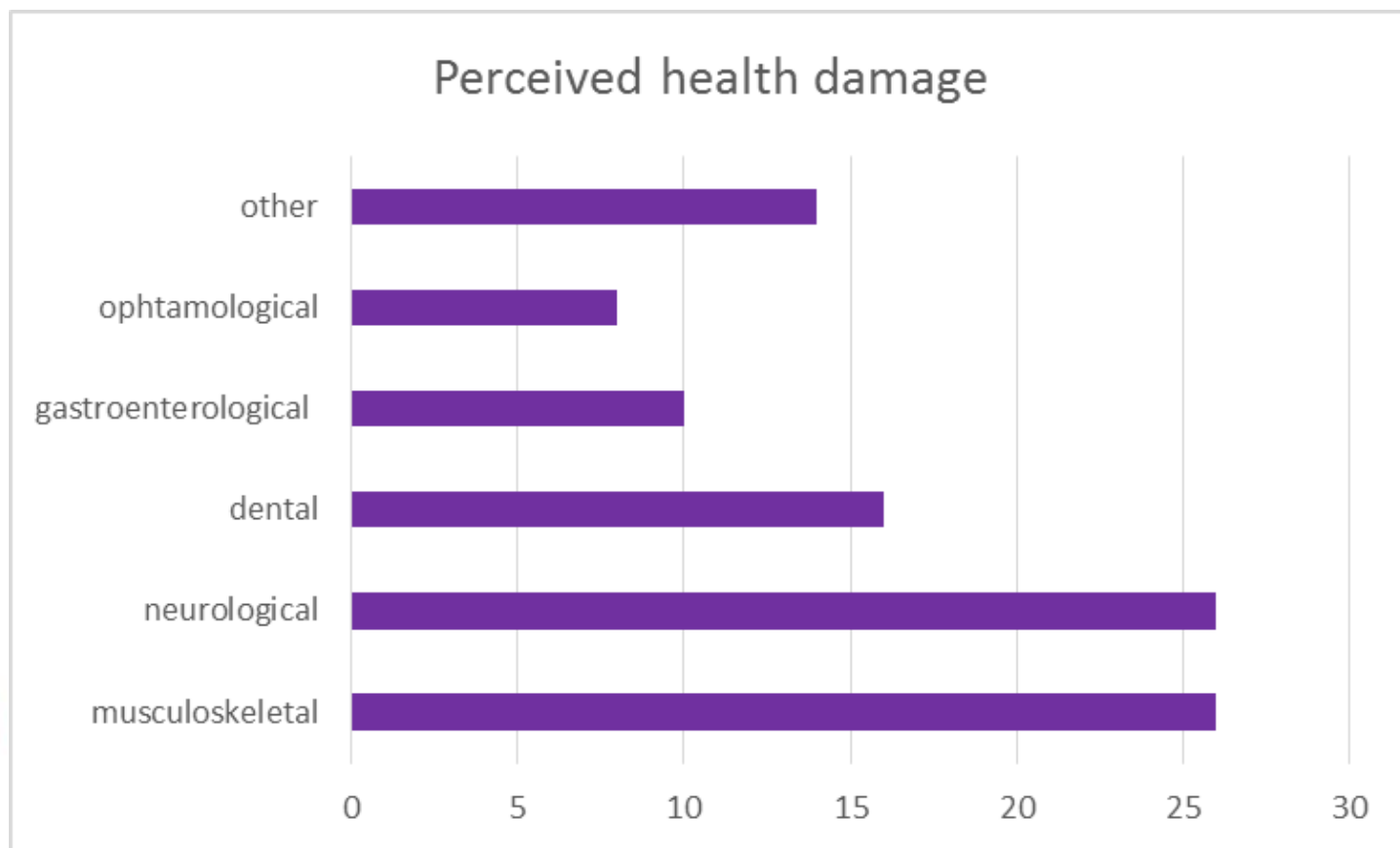
51  
complaints

1 physician of sickness fund handled all  
51 complaints

Handling = giving an **advice** based on  
examining medical reports,  
exchanging views with involved medical professionals,  
consulting scientific information,  
and counseling medical experts



# Results



# Results

(at time of abstract submission)

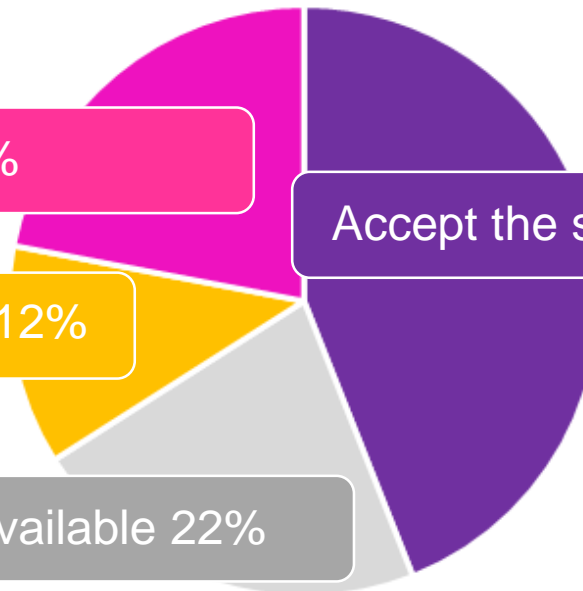
Advice formulated to the patient

Seek legal justice 22%

Accept the situation 44%

Ask compensation at Fund 12%

Results not yet available 22%



# Complete results

Advice formulated to the patient

Seek legal justice 28%

Ask compensation at Fund 16%

Accept the situation 56%

Q: How many of the medical care complaints handled by the Neutral Sickness Funds can be referred to the Fund Medical Accidents?

A: 16%

# Key message

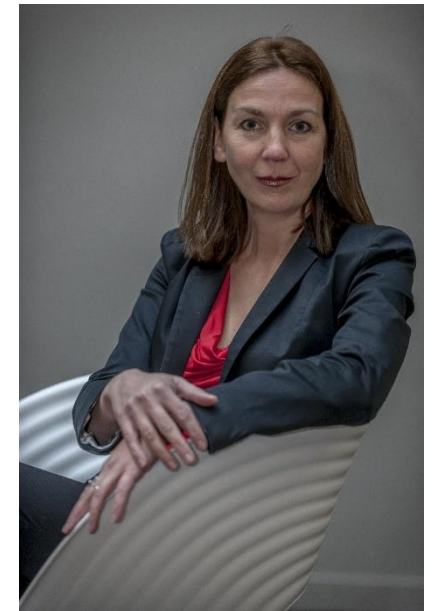
16% of medical care complaint cases at Neutral Sickness Funds, Belgium, are referred to the Fund Medical Accidents

Is this a relief for the patient?

- Yes, no fault liability: patient has only the burden of the proof about the damage:
- However:
  - Referral to the Fund ≠ Compensation through Fund
  - Fund has long delays before decision on compensation



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