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MEDICAL MALPRACTICE INSURANCE



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EXECUTIVE SUMMARY

Your Challenge: As a medical professional, one misdiagnosis, surgical complication, medication error, or birth injury can trigger a lawsuit claiming Ksh 10M-100M+ in damages. Legal defense alone costs Ksh 800K-3M even if you win. Without insurance, your personal assets (home, savings, investments), medical practice, and professional reputation are at risk. The Medical Practitioners and Dentists Board increasingly requires proof of malpractice insurance.

The Risk of Inaction: Patient suffers adverse outcome, hires lawyer, files Ksh 35M lawsuit. You pay Ksh 2M+ defending yourself, lose sleep for 2+ years, face potential career-ending judgment. Even if you win, reputation damaged and legal costs unrecoverable. Without insurance, 85% of sued doctors never fully recover financially.

The Solution: Medical Malpractice Insurance (Professional Indemnity for healthcare) providing comprehensive protection: legal defense costs (unlimited), expert medical witnesses, compensation awards up to policy limit (Ksh 20M-100M), regulatory defense (Medical Board investigations), and crisis management support.

Investment: Ksh 180,000 - 800,000 annually depending on specialty (GPs: Ksh 180K-280K | Surgeons: Ksh 450K-800K | Obstetricians: Ksh 550K-800K), claims history, coverage limits, and years of experience.

Why Act Now:

- Medical litigation increasing 40% annually in Kenya
- Courts awarding higher damages (Ksh 20M-80M+ common)
- Medical Board requiring insurance for license renewal (trend accelerating)
- Private hospitals mandating coverage before granting privileges
- One lawsuit without insurance = career destruction

THE PROBLEM: WHY MEDICAL MALPRACTICE INSURANCE IS CRITICAL

The Rising Tide of Medical Litigation in Kenya

Statistics:

- Medical malpractice claims increased 42% from 2022-2024
- Average settlement/award: Ksh 12.5M (up from Ksh 6.8M in 2020)
- Obstetric claims average Ksh 35M (birth injuries, cerebral palsy)
- Surgical error claims average Ksh 18M
- 1 in 8 doctors will face lawsuit during career
- Legal defense costs average Ksh 1.8M even for successful defenses

Why Claims Are Increasing:

- Patient awareness and empowerment
- Easier access to medical litigation lawyers (no-win-no-fee)
- Social media amplifying medical errors
- Economic pressure—patients need compensation for medical costs
- Courts adopting international precedents (UK, South Africa) = higher awards

Devastating Scenarios Without Medical Malpractice Insurance

Scenario 1: Obstetrician—Birth Injury Catastrophe

The Case: Dr. Wanjiru, obstetrician (15 years experience), delivered baby who suffered oxygen deprivation during labor. Baby born with cerebral palsy—permanent disability requiring lifetime care.

Parents' Lawsuit Claims:

- Failed to perform timely C-section despite fatal distress signs
- Inadequate monitoring during labour
- Medical negligence caused permanent brain damage

Damages Sought:

- Lifetime medical care (physiotherapy, special equipment, medications): Ksh 15M
- Special education costs (age 5-25): Ksh 8M
- Loss of child's future earning potential: Ksh 25M
- Parents' emotional distress: Ksh 12M
- **Total claim: Ksh 60,000,000**

Legal defense costs: Ksh 2,500,000 (expert obstetricians, medical records analysis, court fees)

Without Insurance:

- Dr. Wanjiru has personal assets: Home (Ksh 8M), savings (Ksh 3.5M), investments (Ksh 2M)
- Court awards Ksh 42M (reduced from Ksh 60M)
- Legal costs: Ksh 2.5M
- **Total exposure: Ksh 44.5M**
- Forced to sell home, liquidate all assets
- Still owes Ksh 31M+ (creditors pursue for years)
- Medical practice closes
- Career destroyed at age 48
- Family bankruptcy

With Medical Malpractice Insurance (Ksh 50M coverage, premium Ksh 650K/year):

- Insurance appoints Kenya's top obstetric defense lawyers
- Expert witnesses (obstetricians, neonatologists) hired
- Defense costs Ksh 2.5M fully covered
- Case settled for Ksh 28M (insurance negotiated reduction)

- Insurance pays entire Ksh 28M
 - Dr. Wanjiru's personal assets untouched
 - Practice continues
 - Career saved
 - Premium over 15 years: Ksh 9.75M. One claim paid Ksh 30.5M. ROI: 313%
-

Scenario 2: General Surgeon—Wrong-Site Surgery

The Case: Dr. Kamau, general surgeon (12 years experience), operates on patient's left kidney instead of diseased right kidney. Patient loses functional left kidney, now requires dialysis, kidney transplant needed.

Patient's Lawsuit Claims:

- Surgical error (wrong-site surgery—never event)
- Permanent kidney failure requiring lifetime dialysis
- Negligence, failed to follow safety protocols

Damages Sought:

- Dialysis costs (lifetime, 3x/week × 30 years): Ksh 12M
- Kidney transplant surgery: Ksh 4M
- Lost wages (unable to work): Ksh 8M
- Pain and suffering: Ksh 10M
- Punitive damages (gross negligence): Ksh 8M
- **Total claim: Ksh 42,000,000**

Legal defense costs: Ksh 1,800,000

Without Insurance:

- Dr. Kamau assets: Ksh 10M total
- Court awards Ksh 32M
- Total exposure: Ksh 33.8M
- Bankruptcy inevitable
- Medical license suspended during case (2+ years)
- Reputation destroyed—cannot practice even if cleared
- Age 45, career finished

With Medical Malpractice Insurance (Ksh 40M coverage, premium Ksh 420K/year):

- Insurance provides immediate legal defense
- Surgery error experts analyse case
- Hospital protocols reviewed
- Settlement reached: Ksh 24M
- Insurance pays all costs
- Dr. Kamau continues practicing
- Implements enhanced safety protocols
- Career preserved

Scenario 3: General Practitioner—Misdiagnosis Leading to Death

The Case: Dr. Omondi, GP (8 years experience), diagnoses 45-year-old patient with anxiety attack, sends home. Patient suffers fatal heart attack 6 hours later.

Family's Lawsuit Claims:

- Misdiagnosis (should have recognized cardiac symptoms)
- Failure to order ECG or cardiac enzymes
- Negligence caused preventable death

Damages Sought:

- Loss of financial support (patient earned Ksh 180K/month): Ksh 25M
- Widow and 3 children's loss of companionship: Ksh 8M
- Funeral expenses: Ksh 500K
- Punitive damages: Ksh 6M
- **Total claim: Ksh 39,500,000**

Legal defense costs: Ksh 1,200,000

Without Insurance:

- Dr. Omondi (young doctor, limited assets): Ksh 4M total
- Court awards Ksh 22M
- Total exposure: Ksh 23.2M
- Owes Ksh 19M+ he cannot pay
- Creditors attach future earnings
- Cannot get loans, credit cards
- Career continues but financially ruined for decades
- Considering leaving medicine

With Medical Malpractice Insurance (Ksh 25M coverage, premium Ksh 220K/year):

- Insurance defends case aggressively
- Cardiologist expert testifies presentation could mimic anxiety
- Case goes to trial, Dr. Omondi WINS (no negligence proven)
- Insurance pays Ksh 1.2M legal defense costs
- Dr. Omondi pays zero
- Continues practicing
- Reputation intact—case outcome vindicates him
- Premium over 8 years: Ksh 1.76M. Defense cost Ksh 1.2M covered. Priceless peace of mind.

Claims by Medical Specialty (Risk & Average Awards)

Specialty	Claim Frequency	Average Award	Common Claims
Obstetrics/Gynaecology	Very High	Ksh 30M-80M	Birth injuries, C-section delays, maternal deaths
Surgery (General/Ortho)	High	Ksh 15M-40M	Wrong-site surgery, nerve damage, infections
Anaesthesiology	High	Ksh 20M-50M	Awareness during surgery, brain damage, death
Emergency Medicine	High	Ksh 10M-35M	Misdiagnosis (heart attack, stroke, sepsis)
Radiology	Medium	Ksh 8M-25M	Missed cancer on scans, misread imaging
Paediatrics	Medium	Ksh 10M-30M	Delayed diagnosis (meningitis), vaccine reactions
General Practice	Medium	Ksh 6M-20M	Misdiagnosis, medication errors, delayed referral
Dentistry	Low-Medium	Ksh 3M-12M	Nerve damage, wrong tooth extraction, infections
Psychiatry	Low	Ksh 4M-15M	Suicide (failure to hospitalize), medication issues

THE SOLUTION: COMPREHENSIVE MEDICAL MALPRACTICE INSURANCE

Core Coverage

What's Protected:

Coverage Component	What It Covers	Limit
Professional Negligence	Claims alleging medical errors, misdiagnosis, treatment mistakes	Ksh 20M-100M per claim
Legal Defense Costs	Lawyers, expert witnesses, court fees, medical records review	Unlimited (separate from limit)
Settlements	Out-of-court settlements with insurer approval	Within policy limit
Regulatory Defense	Medical Practitioners Board investigations and hearings	Up to Ksh 2M
Consent Issues	Claims for inadequate informed consent	Within policy limit
Good Samaritan Acts	Emergency assistance outside your practice	Typically Ksh 5M
Locum Coverage	Your substitute doctors covered	Within policy limit

Coverage Component	What It Covers	Limit
Breach of Confidentiality	Patient privacy violations	Within policy limit

Coverage Structure by Specialty

General Practitioners:

- Recommended limit: Ksh 20M - 30M
- Annual premium: Ksh 180,000 - 280,000
- Covers: Diagnosis, treatment, prescriptions, referrals

Specialists (Non-Surgical):

- Recommended limit: Ksh 30M - 40M
- Annual premium: Ksh 280,000 - 400,000
- Examples: Cardiology, neurology, oncology, pediatrics

General Surgeons:

- Recommended limit: Ksh 40M - 60M
- Annual premium: Ksh 400,000 - 550,000
- Covers: Surgical procedures, post-op complications, infections

High-Risk Specialists:

- Recommended limit: Ksh 50M - 100M
- Annual premium: Ksh 550,000 - 800,000
- Examples: Obstetrics, neurosurgery, cardiac surgery, anesthesiology

Dentists:

- Recommended limit: Ksh 15M - 25M
- Annual premium: Ksh 150,000 - 220,000
- Covers: Extractions, implants, root canals, nerve damage

Critical Policy Features

1. "Claims Made" Basis with Retroactive Date

- Policy must be active when claim is made (not when incident occurred)
- Retroactive date covers past work
- NEVER let policy lapse—creates uninsured gap for all previous work

2. Tail Coverage (Extended Reporting Period)

- Covers claims made after you retire/close practice
- Essential: Malpractice claims can arise 5-15 years after treatment
- Cost: 200-250% of annual premium (one-time payment)
- Non-negotiable for retiring doctors

3. Regulatory Defense Coverage

- Separate sub-limit (typically Ksh 1M-2M)
- Covers Medical Board investigations
- License suspension hearings
- Ethics violation defenses

4. Consent and Documentation Coverage

- Claims arising from inadequate informed consent
- Documentation errors
- Medical records disputes

5. Crisis Management Support

- Media relations (high-profile cases)
- Reputation management
- Patient communication guidance

OUR ROLE AS YOUR MEDICAL MALPRACTICE INSURANCE ADVISOR

What We Do for You:

- Seek cover with your preferred insurer or recommend best fit insurer for your needs (if you have no one)
- Handle documentations and submission to insurer
- Secure best possible rates
- Obtain insurance policy on payment of premiums
- Reminder before policy expiration (no lapse)
- Re-compare providers yearly (rates change)
- Coordinate seamless renewal
- Guide you through claims process
- Ensure proper documentation
- Follow up with insurer
- Fight denied claims (appeal if wrongfully denied)

No Advisory Fees:

You pay nothing for my services - providers pay my commission. You pay the same premium direct or through me—but gain expert guidance, needs analysis, and claims advocacy

MEDICAL MALPRACTICE VS GENERAL PROFESSIONAL INDEMNITY

Understanding Healthcare-Specific Needs

Aspect	Medical Malpractice	General Professional Indemnity
Specialization	Healthcare-specific	General professions
Defense Lawyers	Medical litigation specialists	General employment lawyers
Expert Witnesses	Medical specialists in your field	Industry experts
Regulatory Defense	Medical Board specific	General regulatory bodies
Tail Coverage	Essential (claims arise years later)	Less critical
Consent Issues	Specific coverage for informed consent	Not typically covered
Premium Basis	Specialty, procedures, experience	Revenue, services

Key Point: Don't use general professional indemnity for medical practice. Healthcare requires specialized medical malpractice coverage with medical defense expertise.

COMMON MISTAKES & HOW WE AVOID THEM

Mistake 1: "I'm Too Careful to Be Sued"

Reality: Even excellent doctors face lawsuits. Adverse outcomes happen despite best care. Patients don't sue because you're negligent—they sue because they suffered harm and need compensation.

Solution: Insurance is for unexpected events. Best doctors carry highest coverage—they understand risk.

Mistake 2: Inadequate Coverage Limits

Problem: Ksh 10M limit when your specialty averages Ksh 25M claims. Shortfall comes from your personal assets.

Solution: I recommend specialty-appropriate limits: GPs Ksh 20M-30M, Surgeons Ksh 40M-60M, OB/GYN Ksh 60M-100M.

Mistake 3: No Tail Coverage When Retiring

Problem: You retire, cancel policy, patient sues 5 years later for treatment from 8 years ago—you're uninsured.

Solution: Purchase tail coverage (extended reporting period) covering all past work. Non-negotiable for retiring doctors.

Mistake 4: Not Notifying Insurer Immediately

Problem: Patient threatens lawsuit, you wait, situation escalates, evidence lost—late notification can void coverage.

Solution: Notify insurer of ANY potential claim immediately—better safe than uninsured. I guide you on notification triggers.

Mistake 5: Choosing Cheapest Policy

Problem: Low premium often means restrictive coverage, slow claims response, inexperienced defense lawyers.

Solution: I compare value—coverage breadth, claims handling quality, defense lawyer caliber matter enormously.

FREQUENTLY ASKED QUESTIONS

Q1: Is medical malpractice insurance mandatory in Kenya?

Not yet legally mandatory, but increasingly required by: Private hospitals (credentialing), Medical Board (trend accelerating), International organizations, Malpractice insurance becoming standard practice expectation.

Q2: What if I'm employed by a hospital? Am I covered under their policy?

Maybe, but verify carefully. Hospital policies often: Cover only work done at that hospital, may have exclusions for gross negligence, Don't cover private practice work, End when you leave employment. **Best practice:** Carry personal policy even if hospital-employed.

Q3: Do I need separate coverage for my private clinic if I also work at a hospital?

One policy can cover both, but must declare all practice locations and types. Premiums based on total exposure (hospital + private practice).

Q4: What happens if I'm sued for something that happened 5 years ago?

If you've maintained continuous coverage with same/successive insurers, you're covered (retroactive date covers past work). If you let coverage lapse, you're uninsured for past work—catastrophic mistake.

Q5: Can I be sued for volunteering/emergency assistance (Good Samaritan)?

Most policies include Good Samaritan coverage (typically Ksh 5M limit) for emergency assistance outside your practice. Verify your policy includes this.

Q6: What if patient refuses recommended treatment, suffers harm, then sues me?

Document refusal thoroughly (signed form ideal). Insurance covers defense. Good documentation usually results in successful defense.

Q7: Does insurance cover intentional harm or criminal acts?

No. Insurance covers negligence (unintentional errors), not intentional wrongdoing, criminal acts, or sexual misconduct. These void coverages entirely.

Q8: How long until I'm paid if I'm sued?

Defense costs: Paid immediately as incurred. Settlements/Judgments: Paid within 14-30 days after final agreement/judgment. You don't wait—insurance handles all payments.

TAKE ACTION NOW

Why Delay Costs You

Every day without medical malpractice insurance:

- One adverse patient outcome = potential Ksh 10M-80M lawsuit
- Legal defense costs Ksh 800K-3M payable immediately
- Personal assets (home, savings, investments) at risk
- Medical license at risk during litigation
- Career can be destroyed by single uninsured claim

Statistics: 1 in 8 Kenyan doctors will face malpractice claim during career. Average defense cost: Ksh 1.8M. Average award: Ksh 12.5M. Are you the 1 in 8? Can you afford Ksh 14M+ risk?

Get Your Medical Malpractice Insurance Quote Now - Contact Me Today

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*Medical Malpractice Insurance: One lawsuit without coverage can destroy your career, bankrupt your family, and end decades of medical practice. Premiums start at Ksh 180K/year. Claims can exceed Ksh 50M. Practice medicine with confidence—protect yourself comprehensively – **Simon Muchiri, Comely Global Insurance Agency Ltd.***

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