



Resolution

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September 2023
FOI_6115

The following information was requested on 8 August 2023:

RE: FOI_5834 - [FOI_5834_Treatments-in-non-NHS-hospitals-final.pdf \(resolution.nhs.uk\)](#)
I wondered whether it is possible to get more up to date data?

Please could you include cause and injury code.

Our Response

Please find attached the details of claims recorded against independent sector healthcare providers treating NHS patients who are members of our indemnity scheme. The numbers are likely to include a few cases where treatment was in the community, as opposed to on the premises of private providers.

Please note that we do not indemnify **all** independent sector providers and therefore can only answer the questions raised for those organisations that are members of our schemes. Therefore, the volume of claims notified and settled will fluctuate, dependant on the number of independent sector members we indemnify at any point.

Please note there are a small number of claims not included where a Trust has sub-contracted work to a private hospital, and it is a term of the arrangement that the Trust agrees to accept liability (for whatever reason) and we log such cases against the Trust. It is not possible to identify these from our Claims Management System as we do not have a code for them.

Please note claims notified/received and open are not guaranteed to be settled and/or closed in the same year and can take many years to be concluded. Claims notified/received in any given year will often relate to incidents that have occurred many years prior. Due to the nature of clinical negligence claims and the level of investigation needed to bring them to a resolution, claims received and notified in a specific year may take years to settle.

Table 1 shows: - Number and Cost of Claims Closed (or settled with a PPO) between financial years 2018/19 and 2022/23 with damages paid for NHS patients referred to

Independent Providers (includes the damages paid to date for any claims settled on a periodical payment order basis).

Tables 2 shows: - Analysis of Primary Injury for Claims Closed (or settled with a PPO) between financial years 2018/19 and 2022/23 with damages paid for NHS patients referred to Independent Providers (includes the damages paid to date for any claims settled on a periodical payment order basis).

Table 3 shows: - Analysis of Primary Cause for Claims Closed (or settled with a PPO) between financial years 2018/19 and 2022/23 with damages paid for NHS patients referred to Independent Providers (includes the damages paid to date for any claims settled on a periodical payment order basis).

Please note we have supplied the amount of compensation excluding any legal costs paid, in line with the previous FOI response [FOI 5834 Treatments-in-non-NHS-hospitals-final.pdf \(resolution.nhs.uk\)](#) .

PPOs -

The information disclosed includes damages paid out in the relevant period under Periodical payment orders (PPO) previously agreed on cases, which may have been resolved several years ago. It does not include sums, which have been committed on settlements in the relevant period under a PPO, which may not be paid out until future years. PPOs are an agreement between the parties, to pay an initial lump sum and regular future payments covering the injured party's ongoing care needs, usually for life i.e., a percentage of the full value of the claim is paid at the point of settlement with the balance paid at regular intervals over subsequent years.

Low Figures

Please note we have suppressed low figures as we believe that disclosure of information with this level of granularity is exempt under Section 40(2) by virtue of section 40(3A)(a) of the FOI Act, where disclosure to a member of the public would contravene one or more of the data protection principles. The data protection principles are set out in Article 5 of the General Data Protection Regulation. We take the view that it would not be fair or lawful (given the sensitive and confidential nature of the information held) to disclose such information, and any disclosure would therefore contravene the first data protection principle.

In some instances the low numbers of claims (fewer than 5) in each category, the likelihood exists that individuals who are the subject of this information may be identified either from this information alone, or in combination with other available information. In addition to this, as this information is considered to be sensitive personal data (the data subjects' medical condition); NHS Resolution believes it has a greater responsibility to protect those individuals' identities, as disclosure could potentially cause damage and/or distress to those involved. Where we are in the territory of such small numbers

in the attached, we have used a '#' symbol in the relevant field. You should still be able to see aggregate/total details for higher level fields containing this data.

If you would like to know how data is categorised in our Claims database please see the following link: [Glossary](#)

This concludes our response to your request.

If you are not satisfied with the service that you have received in response to your information request, it is open to you to make a complaint and request a formal review of our decisions. If you choose to do this, you should write to [Tinku Mitra](#), Deputy Director of Corporate and Information Governance, Data Protection Officer for NHS Resolution, within 28 days of your receipt of this reply. Reviews of decisions made in relation to information requests are carried out by a person who was not involved in the original decision-making about the request.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a review of the decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the local complaints procedure. The address of the Information Commissioner's Office is:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/>

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NB: Number of claims fewer than 5 (and any associated values, within the same row) are masked with a "#" (in accordance with Data Protection guidelines). Accordingly, some total values may also be approximated to prevent masked values to be deduced through reverse calculation.

Table 1: Number and Cost of Claims Closed/Settled as a PPO between financial years 2018/19 and 2022/23 with damages paid (including PPOs paid to date) for NHS patients referred to Independent Providers.

Table 2: Number and Cost of Claims Closed/Settled as a PPO between financial years 2018/19 and 2022/23 with damages paid (including PPOs paid to date) for NHS patients referred to Independent Providers. Breakdown by Closure/Settlement Year for PPOs and Injury.

Table 3: Number and Cost of Claims Closed/Settled as a PPO between financial years 2018/19 and 2022/23 with damages paid (including PPOs paid to date) for NHS patients referred to Independent Providers. Breakdown by Closure/Settlement Year for PPOs and Cause.

Table 1: Number and Cost of Claims Closed/Settled as a PPO between financial years 2018/19 and 2022/23 with damages paid (including PPOs paid to date) for NHS patients referred to Independent Providers.

FOI View	Closed Settled
scheme	(All)
Claim_Outcome	Successful
ISP	Y

Year of Closure (Settlement Year for PPOs)	No. of Claims	Damages Paid
2018/19	196	9,799,429
2019/20	189	12,321,964
2020/21	185	13,796,553
2021/22	221	18,134,477
2022/23	260	17,047,743
Grand Total	1,051	71,100,166

Table 2: Number and Cost of Claims Closed/Settled as a PPO between financial years 2018/19 and 2022/23 with damages paid (including PPOs paid to date) for NHS patients referred to Independent Providers. Breakdown by Closure/Settlement Year for PPOs and Injury.

FOI View scheme Claim_Outcome ISP	Closed Settled (All) Successful Y
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Closure/Settlement Year for PPOs --Primary Injury	No. of Claims	Damages Paid
2018/19		
Adtnl/unnecessary Operation(s)	52	2,582,339
Unnecessary Pain	27	725,538
Nerve Damage	13	985,501
Poor Outcome - Fractures Etc.	10	674,687
Fracture	8	218,839
Pressure Sores	6	117,409
Other Infection	6	369,558
Psychiatric/Psychological Dmge	5	18,670
Bile Duct Damage	5	730,087
Joint Damage	5	116,596
Bladder Damage	#	#
Thrombosis/Embolism	#	#
Bowel Damage/ Dysfunction	#	#
Dental Damage	#	#
Other Visual Problems	#	#
Burn(s)	#	#
Fatality	#	#
Perforation	#	#
Multiple Injuries	#	#
Amputation - Upper	#	#
Blindness	#	#
Dislocation	#	#
Unwanted Pregnancy	#	#
Anaphylact Shock/Allergic Shock/allergy	#	#
Advanced Stage Cancer	#	#
Wrongful Birth	#	#
Respiratory Disorder/ Failure	#	#
Incontinence	#	#
Failed Sterilization	#	#
Sexual Abuse	#	#
Not Specified	#	#
Bruising/ Extravasation	#	#
Other	#	#
Reduced Life Expectancy	#	#
Arterial Damage	#	#
Scarring	#	#
Cosmetic Disfigurement	#	#
Tendon Damage	#	#

Table 2: Number and Cost of Claims Closed/Settled as a PPO between financial years 2018/19 and 2022/23 with damages paid (including PPOs paid to date) for NHS patients referred to Independent Providers. Breakdown by Closure/Settlement Year for PPOs and Injury.

FOI View scheme Claim_Outcome ISP	Closed Settled (All) Successful Y
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Closure/Settlement Year for PPOs --Primary Injury	No. of Claims	Damages Paid
Foot Drop	#	#
Anaesthetic	#	#
Addiction/Dependency	#	#
Cancer	#	#
Aneurysm	#	#
Limb Deformity	#	#
2019/20		
Adtnl/unnecessary Operation(s)	37	1,851,583
Unnecessary Pain	31	1,318,707
Pressure Sores	12	134,250
Poor Outcome - Fractures Etc.	10	307,762
Nerve Damage	10	846,423
Fracture	7	436,566
Joint Damage	6	757,851
Thrombosis/Embolism	5	319,533
Amputation - Lower	5	845,610
Other Visual Problems	#	#
Spinal Damage	#	#
Burn(s)	#	#
Cancer	#	#
Other Infection	#	#
Scarring	#	#
Fatality	#	#
Tissue Damage	#	#
Bladder Damage	#	#
Unwanted Pregnancy	#	#
Dental Damage	#	#
Foot Drop	#	#
Not Specified	#	#
Dislocation	#	#
Cardiac Arrest	#	#
Bowel Damage/ Dysfunction	#	#
Multiple Injuries	#	#
Bile Duct Damage	#	#
Psychiatric/Psychological Dmge	#	#
Blindness	#	#
Tendon Damage	#	#
Liver Damage	#	#
Other	#	#

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FOI View scheme Claim_Outcome ISP	Closed Settled (All) Successful Y
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Closure/Settlement Year for PPOs --Primary Injury	No. of Claims	Damages Paid
Arterial Damage	#	#
Amputation - Upper	#	#
Loss Of Baby	#	#
Advanced Stage Cancer	#	#
Cosmetic Disfigurement	#	#
Compartment Syndrome	#	#
Removal Of Cervix	#	#
Bruising/ Extravasation	#	#
Loss Of Sexual Function	#	#
2020/21		
Adtnl/unnecessary Operation(s)	49	2,787,182
Unnecessary Pain	25	990,530
Nerve Damage	9	741,630
Pressure Sores	8	97,383
Poor Outcome - Fractures Etc.	8	338,279
Fracture	8	357,143
Other Visual Problems	7	114,745
Psychiatric/Psychological Dmge	5	63,000
Bile Duct Damage	5	518,881
Joint Damage	5	1,410,299
Dental Damage	#	#
Other Infection	#	#
Burn(s)	#	#
Bowel Damage/ Dysfunction	#	#
Fistula	#	#
Scarring	#	#
Foot Drop	#	#
Spinal Damage	#	#
Fatality	#	#
Advanced Stage Cancer	#	#
Cardiac Arrest	#	#
Incontinence	#	#
Unwanted Pregnancy	#	#
Bladder Damage	#	#
Stroke	#	#
Rupture	#	#
Cancer	#	#
Multiple Injuries	#	#
Amputation - Lower	#	#

Table 2: Number and Cost of Claims Closed/Settled as a PPO between financial years 2018/19 and 2022/23 with damages paid (including PPOs paid to date) for NHS patients referred to Independent Providers. Breakdown by Closure/Settlement Year for PPOs and Injury.

FOI View scheme Claim_Outcome ISP	Closed Settled (All) Successful Y
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Closure/Settlement Year for PPOs --Primary Injury	No. of Claims	Damages Paid
Hospital Acquired Infection	#	#
Thrombosis/Embolism	#	#
Oedema	#	#
Removal Of Testicle	#	#
Dislocation	#	#
Scalp Damage	#	#
Blindness	#	#
Loss Of Kidney	#	#
Paraplegia	#	#
Tendon Damage	#	#
Infertility	#	#
Tissue Damage	#	#
Bruising/ Extravasation	#	#
Multiple Disabilities	#	#
Cosmetic Disfigurement	#	#
Loss Of Baby	#	#
2021/22		
Adtnl/unnecessary Operation(s)	72	3,545,262
Unnecessary Pain	29	2,177,658
Pressure Sores	9	284,361
Poor Outcome - Fractures Etc.	8	1,286,574
Nerve Damage	8	2,170,432
Fracture	6	745,844
Joint Damage	6	1,779,192
Scarring	5	72,165
Other Visual Problems	5	248,000
Burn(s)	5	45,950
Bladder Damage	5	241,746
Tendon Damage	#	#
Amputation - Lower	#	#
Psychiatric/Psychological Dmge	#	#
Cancer	#	#
Spinal Damage	#	#
Bile Duct Damage	#	#
Other	#	#
Amputation - Upper	#	#
Other Infection	#	#
Thrombosis/Embolism	#	#
Foot Drop	#	#

Table 2: Number and Cost of Claims Closed/Settled as a PPO between financial years 2018/19 and 2022/23 with damages paid (including PPOs paid to date) for NHS patients referred to Independent Providers. Breakdown by Closure/Settlement Year for PPOs and Injury.

FOI View scheme Claim_Outcome ISP	Closed Settled (All) Successful Y
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Closure/Settlement Year for PPOs --Primary Injury	No. of Claims	Damages Paid
Bowel Damage/ Dysfunction	#	#
Perforation	#	#
Fatality	#	#
Hernia	#	#
Tissue Damage	#	#
Infection (bacterial)	#	#
Rupture	#	#
Blindness	#	#
Cardiovascular Condition	#	#
Cardiac Arrest	#	#
Epilepsy	#	#
Dental Damage	#	#
Oedema	#	#
Hospital Acquired Infection	#	#
Renal Damage/ Failure	#	#
Anaesthetic	#	#
Multiple Injuries	#	#
Impotence	#	#
Unwanted Pregnancy	#	#
Dislocation	#	#
Osteoporosis	#	#
Removal Of Fallopian Tube	#	#
Advanced Stage Cancer	#	#
Removal Of Testicle	#	#
Not Specified	#	#
2022/23		
Adtnl/unnecessary Operation(s)	94	8,484,497
Unnecessary Pain	33	1,362,106
Tendon Damage	14	538,362
Poor Outcome - Fractures Etc.	8	323,778
Fracture	8	418,119
Pressure Sores	7	107,744
Other Visual Problems	7	211,566
Nerve Damage	7	700,330
Other	7	130,349
Bowel Damage/ Dysfunction	6	288,792
Infection (bacterial)	6	212,712
Thrombosis/Embolism	#	#
Spinal Damage	#	#

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FOI View scheme Claim_Outcome ISP	Closed Settled (All) Successful Y
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Closure/Settlement Year for PPOs --Primary Injury	No. of Claims	Damages Paid
Burn(s)	#	#
Fatality	#	#
Cancer	#	#
Tissue Damage	#	#
Perforation	#	#
Rupture	#	#
Bladder Damage	#	#
Psychiatric/Psychological Dmge	#	#
Joint Damage	#	#
Bile Duct Damage	#	#
Scarring	#	#
Advanced Stage Cancer	#	#
Dislocation	#	#
Amputation - Lower	#	#
Respiratory Disorder/ Failure	#	#
Failed Sterilization	#	#
Not Specified	#	#
Anal Fissure	#	#
Bruising/ Extravasation	#	#
Arterial Damage	#	#
Brain Damage	#	#
Cardiovascular Condition	#	#
Sepsis	#	#
Blindness	#	#
Oedema	#	#
Liver Damage	#	#
Other Infection	#	#
Renal Damage/ Failure	#	#
Dental Damage	#	#
Developmental Delay	#	#
Grand Total	1,051	71,100,166

Table 3: Number and Cost of Claims Closed/Settled as a PPO between financial years 2018/19 and 2022/23 with damages paid (including PPOs paid to date) for NHS patients referred to Independent Providers. Breakdown by Closure/Settlement Year for PPOs and Cause.

FOI View scheme Claim_Outcome ISP	Closed Settled (All) Successful Y
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Closure/Settlement Year for PPOs --Primary Cause	No. of Claims	Damages Paid
2018/19		
Intra-Op Problems	32	3,426,474
Operator Error	22	1,062,870
Inappropriate Treatment	21	1,510,471
Fail / Delay Treatment	21	608,938
Fail To Warn-Informed Consent	16	673,084
Failure/Delay Diagnosis	11	561,752
Lack Of Assistance/Care	7	142,755
Inadequate Nursing Care	6	48,380
Failure To Perform Operation	6	614,391
Medication Errors	5	38,289
Lack Of Pre-Op Evaluation	#	#
Failure To Interpret X-Ray	#	#
Wrong Site Surgery	#	#
Other	#	#
Equipment Malfunction	#	#
Fail To Carry Out PO Observs.	#	#
Inadequate Monitoring Intra-Op	#	#
Failure To X-Ray	#	#
Foreign Body Left In Situ	#	#
Failure To Perform Tests	#	#
Diathermy Burns/react. To Prep	#	#
Fail/Delay Referring To Hosp.	#	#
Perform. Of Op. Not Indicated	#	#
Failed Sterilisation	#	#
Lack Of Facilities/Equipment	#	#
Tooth Inj & Patient Posit Prob	#	#
Fail To Supervise	#	#
Err With Agnt/Dose/Route/Selec	#	#
Fail To Infrm Test Rslts	#	#
Probs With Medical Records	#	#
Delay In Performing Operation	#	#
Fail To Follow-Up Arrangements	#	#
Intubation Problems	#	#
Assault, Etc By Hospital Staff	#	#
2019/20		
Fail / Delay Treatment	29	780,902

Table 3: Number and Cost of Claims Closed/Settled as a PPO between financial years 2018/19 and 2022/23 with damages paid (including PPOs paid to date) for NHS patients referred to Independent Providers. Breakdown by Closure/Settlement Year for PPOs and Cause.

FOI View scheme Claim_Outcome ISP	Closed Settled (All) Successful Y
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Closure/Settlement Year for PPOs --Primary Cause	No. of Claims	Damages Paid
Inappropriate Treatment	23	1,719,517
Operator Error	19	1,756,863
Intra-Op Problems	16	1,701,630
Fail To Warn-Informed Consent	15	3,772,723
Failure/Delay Diagnosis	13	245,870
Inadequate Nursing Care	10	150,975
Inadequate Monitoring Intra-Op	5	73,500
Lack Of Assistance/Care	5	313,287
Fail To Recog. Complication Of	5	583,373
Wrong Site Surgery	#	#
Fail/Delay Referring To Hosp.	#	#
Failure To Perform Tests	#	#
Failed Sterilisation	#	#
Bacterial Infection	#	#
Err With Agnt/Dose/Route/Selec	#	#
Fail To Carry Out PO Observs.	#	#
Equipment Malfunction	#	#
Retained Instrument Post-Operation	#	#
Fail To Act On Abnorm Test Res	#	#
Foreign Body Left In Situ	#	#
Self Harm	#	#
Delay In Performing Operation	#	#
Lack Of Facilities/Equipment	#	#
Fail To Interpret USS	#	#
Failure To Interpret X-Ray	#	#
Wrong Diagnosis	#	#
Fail To Follow-Up Arrangements	#	#
Incorrect Injection Site	#	#
Lack Of Pre-Op Evaluation	#	#
Unexpected Death	#	#
Medication Errors	#	#
Fail To Supervise	#	#
Fail To Infrm Test Rslts	#	#
Other	#	#
2020/21		
Inappropriate Treatment	30	4,236,091
Fail / Delay Treatment	26	1,297,990

Table 3: Number and Cost of Claims Closed/Settled as a PPO between financial years 2018/19 and 2022/23 with damages paid (including PPOs paid to date) for NHS patients referred to Independent Providers. Breakdown by Closure/Settlement Year for PPOs and Cause.

FOI View scheme Claim_Outcome ISP	Closed Settled (All) Successful Y
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Closure/Settlement Year for PPOs --Primary Cause	No. of Claims	Damages Paid
Fail To Warn-Informed Consent	20	1,821,696
Intra-Op Problems	16	1,493,058
Operator Error	15	488,809
Inadequate Nursing Care	11	115,661
Failure/Delay Diagnosis	9	636,578
Inadequate Monitoring Intra-Op	6	128,030
Wrong Site Surgery	#	#
Fail To Carry Out PO Observs.	#	#
Lack Of Pre-Op Evaluation	#	#
Fail To Follow-Up Arrangements	#	#
Fail To Act On Abnorm Test Res	#	#
Fail To Recog. Complication Of	#	#
Inappropriate Discharge	#	#
Failed Sterilisation	#	#
Failure To X-Ray	#	#
Equipment Malfunction	#	#
Lack Of Assistance/Care	#	#
Failure To Interpret X-Ray	#	#
Fail To Supervise	#	#
Failure To Perform Tests	#	#
Medication Errors	#	#
Probs With Medical Records	#	#
Other	#	#
Bacterial Infection	#	#
Fail To Interpret USS	#	#
Err With Agnt/Dose/Route/Selec	#	#
Inadqte Monitor In Recov Room	#	#
Unexpected Death	#	#
Perform. Of Op. Not Indicated	#	#
Application Of Excess Force	#	#
Inapp Use Of Forceps/Ventouse	#	#
Fail To Infrm Test Rslts	#	#
Infusion Problems	#	#
Delay In Performing Operation	#	#
2021/22		
Fail / Delay Treatment	46	2,010,111
Inappropriate Treatment	31	4,065,339

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FOI View	Closed Settled
scheme	(All)
Claim_Outcome	Successful
ISP	Y

Closure/Settlement Year for PPOs --Primary Cause	No. of Claims	Damages Paid
Intra-Op Problems	19	2,668,377
Fail To Warn-Informed Consent	18	2,904,373
Failure/Delay Diagnosis	10	595,096
Inadequate Nursing Care	10	376,992
Operator Error	9	483,350
Fail To Carry Out PO Observs.	9	1,359,100
Fail/Delay Referring To Hosp.	8	510,894
Medication Errors	6	27,608
Bacterial Infection	5	710,406
Inadequate Monitoring Intra-Op	5	248,754
Wrong Site Surgery	5	35,750
Equipment Malfunction	#	#
Err With Agnt/Dose/Route/Selec	#	#
Lack Of Pre-Op Evaluation	#	#
Fail To Interpret USS	#	#
Fail To Supervise	#	#
Fail/Delay Admitting To Hosp.	#	#
Lack Of Assistance/Care	#	#
Fail To Follow-Up Arrangements	#	#
Inappropriate Discharge	#	#
Failure To X-Ray	#	#
Inadqte Monitor In Recov Room	#	#
Other	#	#
Foreign Body Left In Situ	#	#
Inapprop. Case Selection	#	#
Wrong Diagnosis	#	#
Failure To Interpret X-Ray	#	#
Fail To Infrm Test Rslts	#	#
Failure To Perform Operation	#	#
Diathermy Burns/react. To Prep	#	#
Infusion Problems	#	#
Perform. Of Op. Not Indicated	#	#
Failure To Perform Tests	#	#
Fail To Recog. Complication Of	#	#
Fail Antenatal Screening	#	#
Lack Of Facilities/Equipment	#	#
2022/23		

Table 3: Number and Cost of Claims Closed/Settled as a PPO between financial years 2018/19 and 2022/23 with damages paid (including PPOs paid to date) for NHS patients referred to Independent Providers. Breakdown by Closure/Settlement Year for PPOs and Cause.

FOI View scheme Claim_Outcome ISP	Closed Settled (All) Successful Y
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Closure/Settlement Year for PPOs --Primary Cause	No. of Claims	Damages Paid
Fail / Delay Treatment	71	3,347,026
Intra-Op Problems	26	4,070,602
Inappropriate Treatment	22	1,245,627
Fail To Warn-Informed Consent	22	938,031
Failure/Delay Diagnosis	15	583,886
Operator Error	12	513,660
Inadequate Nursing Care	9	292,500
Lack Of Assistance/Care	8	298,270
Failure To Interpret X-Ray	6	212,660
Fail To Carry Out PO Observs.	5	1,059,656
Fail To Recog. Complication Of	5	196,377
Failure To Perform Tests	5	262,001
Perform. Of Op. Not Indicated	#	#
Fail/Delay Referring To Hosp.	#	#
Fail To Follow-Up Arrangements	#	#
Failure To Perform Operation	#	#
Err With Agnt/Dose/Route/Selec	#	#
Lack Of Pre-Op Evaluation	#	#
Inadequate Monitoring Intra-Op	#	#
Wrong Diagnosis	#	#
Wrong Site Surgery	#	#
Inappropriate Discharge	#	#
Foreign Body Left In Situ	#	#
Delay In Performing Operation	#	#
Self Harm	#	#
Medication Errors	#	#
Infusion Problems	#	#
Fail To Interpret USS	#	#
Failure To X-Ray	#	#
Diathermy Burns/react. To Prep	#	#
Application Of Excess Force	#	#
Unknown	#	#
Fail To Supervise	#	#
Fail To Act On Abnorm Test Res	#	#
Equipment Malfunction	#	#
Tooth Inj & Patient Posit Prob	#	#
Grand Total	1,051	71,100,166