

SICK MONEY: A tale of profit amidst a Pandemic in Ugandan Hospitals.

INTRODUCTION

Uganda is experiencing the 2nd wave of the Covid-19 Pandemic and indeed none of us is spared. We are all potential victims of this ruinous virus regardless of social standing. Hospitals are overwhelmed with the number of patients seeking hospitalization. Oxygen levels have hit the lowest of the low. The poor state of affairs at the MOH as regards to management of the pandemic and generally, a lack of preparation of the public health system has led to a boom in private facilities. These try to fill the gaps albeit with little success. Owing to our ill health ministry, both public and private hospitals are taking fellow countrymen for a catch.



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It comes against the backdrop of recent incidents wherein relatives of presumably Covid-19 victims have hit mainstream and online media alleging that hospitals are deliberately engaging in various activities contrary to public policy to wit;

- a) Detaining dead bodies on account of non-payment of hospital bills
- b) Charging exorbitant fees in the range of UGX3-5M per day for patients in ICU
- c) Demanding for deposit of Certificates of Title, car log books before admission in lieu of money.

HIGH COST OF TREATMENT

The cost drivers for Covid-19 treatment is not streamlined. Hospitals are making a huge catch off the pandemic. Hospital bills are making rounds on social media requiring patients to pay hospital bills in excess of over UGX100M.

Cissy Kagaba, an Activist, appearing on a local Television alluded to the fact that she spent over and above **UGX 120M** on both her parents in a space of one week but still lost them.

Dr. Olaro Charles (director of Clinical medical services at MOH), in a recent TV interview remarked that an average stay at the ICU in a public hospital attracts a

sum of UGX3-5M per day for close 10-15 days. This would bring the total cost to UGX30-45M. The cost could be much higher in private facilities.

For patients with low oxygen levels, hospitals continue to charge exorbitant prices for the highly sought after commodity-Oxygen.

It is on this note that Justice Hon. Philip Odoki in [Mulumba Moses &Anor vs AG in HCMC 489/2021](#) issued an order compelling government and the Uganda Medical and Dental practitioners to regulate the cost of treatment of Covid-19 in both private and public hospitals.

DETAINING DEAD BODIES

A man's dying is more of a survivor's affair than his own. Survivors are profoundly affected by the passing of a loved one, this is the ultimate loss, one of the saddest, most stressful times of a person's life-losing a loved one, is made even more difficult by hospitals detaining dead bodies before full payment of all hospital bills.

Like the adage goes, "[Doctors treat and God cures](#)". Whatever the eventuality, the hospital is entitled to payment at all times. For victims who fail to pay hospital bills, they as a result, hold onto dead bodies as a lien to compel relatives of the deceased to settle hospital bills before such bodies can be released.

Relatives of Namugenyi Tereza recently came out alleging that their victims' dead body had been retained by one of the Hospitals for over 7 days on account of failure to clear UGX31M in hospital bills.

African Traditional Society has grown overtime to have sentiments attached to dead bodies to accord them a decent send off and as such hospitals should be explicitly prohibited from "deliberately detaining dead bodies". It is inhuman and unfathomable. Any form of physical exploitation of dead bodies violates their basic right to a decent and timely burial.

What does the Law say?

Medics are governed by the Medical and Dental practitioners Act and indeed S.42 (1) of the Act provides that medics may demand reasonable charges for any services rendered and indeed further gives the Hospital a right to sue to recover for any

charges for treatment rendered under S.42(1)(d). However, what is reasonable in this case is not defined by the Act but it is subjective.

The recent decision of **Mulumba Moses &Anor vs AG** in **HCMC 489/2021**, court ordered the Medical and Dental practitioners Council to make recommendations to the Ministry of Health on reasonable fees chargeable for the persons seeking and accessing Covid-19 treatment, both in private and public hospitals.

As regards detaining dead bodies, In **R vs Fox (1841)2 QB 246**, it was held that, *“dead bodies cannot be bought or sold and as such a creditor is not entitled to seize a dead body as security for a debt”*.

“Hospitals are not gazetted detention centers and as such their continued actions of holding onto dead bodies as security or collateral for both hospital bills and morgue charges is illegal”. See **Mary Nyang’anyi &Anor vs The Karen Hospital&Anor[2016]eKLR** . This position was recently re-echoed by the Attorney General in his communiqué to hospitals against this continued vice.

In **Ludindo &Anor vs Pandya Memorial Hospital [1998] eKLR**. it was held that *“ a dead body has no proprietary value and cannot be used as collateral to secure a debt. There are known avenues of recovering debts. It is repugnant to public policy to sanction the use of dead bodies as objects in the game of commercial ping pong”*.

Conclusion.

The Recent Decision by the High Court is highly welcome and we await the Government and the Uganda Medical and Dental Practitioners council to regulate the cost of treatment of Covid-19, make regulations on fees chargeable for management and treatment of patients suffering from Covid-19.

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