

Article Summary

[Journal of Professional Negligence](#)

Edited by:

Colm McGrath and Isabel Barter

Publisher:

Bloomsbury Professional

Publication Date:

September 2024

Medical Liability and Interorganisational Relationships in Healthcare: A European Problem and a Dutch Proposal

Rolinka P. Wijne

In 2023, Dutch healthcare is characterised by a diversity of partnerships. The most recent development is the so-called ‘network healthcare’. In the absence of a standard definition, the author describes this as ‘a way of providing healthcare in which care providers no longer merely work together within known boundaries, but collaborate in organised networks – “healthcare networks” – that transcend these known boundaries’. Network healthcare aims to improve healthcare; the patient benefits from receiving the right healthcare in the right place. However, a side effect is the possibility that carelessness in the collaboration between the care providers could lead to damage.

This raises the question of whether Dutch civil liability law provides the patient with an effective instrument to recover his care-related harm. The author concludes that this is not the case: Dutch civil liability law is not designed to deal with forms of collaboration such as networks. It does not seem implausible that the patient – as a party compelled with the burden of proof – will be hindered in their possibility to recover care-related harm, which may be regarded as undesirable in the light of their legal protection. Care providers also seem to be hindered; it is relevant for the collaborating care providers to know what their responsibilities are within a healthcare network, also when it comes to compensation of damages.

The author subsequently describes two possible solutions: the introduction of a centralised accountability for healthcare networks with legal personality, and a joint liability of care providers belonging to other healthcare networks.

As both the origin of network healthcare, and the potentially problematic recovery of care-related

harm are not limited to the Netherlands, this article can be a source of inspiration for other European Union Member States considering their liability law in relation to healthcare networks.