

A PAPER PRESENTED ON RESEARCH HEALTH INSURANCE

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Generally a contract of insurance is one whereby one party (the insurer) promises in return for a money consideration (premium) to pay to the other party (the assured) a sum of money or to provide him with a corresponding benefit upon the occurrence of one or more specified events.

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- Hence from the definition we can elaborate the elements of this definition.
- **Premium-** the purpose of the contract of insurance is to organize the sharing among a large number of persons of the cost of losses which are likely to happen only to some of them (or happen to an earlier time to some than others).

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- It is therefore a characteristic of the contract the amount of the premium is not intended to be equivalent to the value of the insurer's actual performance but it is calculated in relation to the likelihood that performance will be required.
- **Promises to pay-** the insurer must take a binding obligation to pay the assured upon the happening of relevant event.

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- A contract of insurance is confer security and certainty on the assured, and not merely an expectation of payment, however well founded.

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- **Upon a special event-** the event must be the one involving uncertainty. “There must be uncertainty whether the event will happen or not, or, if the event is one which must happen at some time, there must be uncertainty as to the time at which it will happen”. (Channel J in Prudential insurance company v inland revenue commissioners)

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- Likewise a great number of Professionals engaged themselves in conducting research in order to find new and effective medicine for treating diseases; as a result their finding may become a cure to disease and improve the life of human being. Even though a great care and qualified standard are used in research yet we may encounter risks.

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- A risk may be caused by the combination of different components or omission of certain components that lead to damages. That being the case a company sponsoring clinical trials must be insured so that at the time damage occur either to the patient or researcher, the said patient or researcher can be compensated.

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- One of the main objective of company or individual sponsoring clinical trials is to make sure that there is insurance cover in every clinical trial which will enable the payment of compensation incase there is claim raised by researcher or participant of clinical trials due to the damage suffered out of the act or omission of the administration of the said clinical trials.

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- Therefore, research health insurance are taken to cover legal responsibilities of different parties in clinical trials to ensure that proper arrangement are in place for insurance and compensation for study participants in case of injury and provision of indemnity in case of liabilities.

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- The following are the possible parties engaged in clinical trials exposed to clinical liability dispute hence they need insurance:-
- Professionals.
- The Institution where the study is taken place.
- The sponsor company testing the new medicine.
- Institution ethics committee.

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Therefore each part involved in clinical trials has legal responsibilities towards human being i.e. participants of clinical trials.

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- CONCLUSION.
- Not every researcher or sponsoring company find it necessary to take insurance cover, that is why we have the authority legally established by law in order to make sure the researchers abide with legal requirements in performing research health. Such authority is Tanzania Food and Drugs Authority.

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- This authority has legal responsibility of ensuring that all clinical trials obtain a written approval from the authority prior to commencement. The authority prepared guidelines which should be followed by the researcher involved themselves in research health.

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- “It is therefore anticipated that all those who will be intending to perform clinical trials in Tanzania will oblige with the guidelines set by the authority and other laws relating to insurance and indemnity while performing research.”
- THANK YOU FOR YOUR ATTENTION: