

## COMPLAINTS RECEIVED IN 2006 BY THE MEDICAL PRACTICE DIVISION, MINISTRY OF HEALTH

MATTER	AMOUNT	(%)
Unsatisfactory quality of service	137	54.58
Staff misconduct	29	11.55
Misuse of power	9	3.58
Lateness	4	1.59
Others	72	28.70
<b>TOTAL</b>	<b>251</b>	

### Complaints against:

Doctors	130	51.80
Nurses	22	8.76
Medical Assistants	8	3.18
Drivers	3	1.20
Others	88	35.06

### TOTAL 251

### Complaints via:

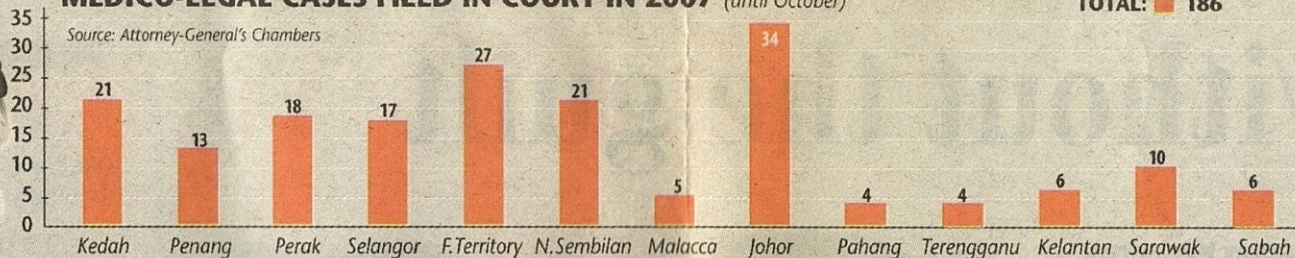
Letter	170	67.73
Media	50	19.92
E-mail	19	7.57
Telephone	8	3.19
Others	4	1.59

### TOTAL 251

## MEDICO-LEGAL CASES FILED IN COURT IN 2007 (until October)

TOTAL: 186

Source: Attorney-General's Chambers



## NEGLIGENCE SUITS SETTLED

### BY THE MINISTRY OF HEALTH (2000-2006) AND COMPENSATION PAID OUT

DISCIPLINE	2000		2001		2002		2003		2004		2005		2006		Total	
	Cases	RM	Cases	RM	Cases	RM	Cases	RM	Cases	RM	Cases	RM	Cases	RM	Cases	RM
O&G	4	152,974	1	55,000	2	22,500	5	179,853	3	55,000	4	257,994	8	815,224	27	1,538,545
Surgery	1	20,000	1	326,002	1	303,000	2	66,000	1	50,000	1	25,779	3	121,809	10	730,000
Orthopaedic	4	46,534			1	5,112			1	66,000	1	15,000			7	132,646
Paediatric											3	30,000	3	32,907	6	62,907
Anaesthesia					1	512,827									1	512,827
Medication					2	65,000			2	30,250			1	113,057	5	208,307
Psychiatry																
Ophthalmology			1	49,500	1	13,200									2	62,700
ENT									2	55,560					2	55,560
Urology					1	30,250									1	
<b>TOTAL</b>	<b>9</b>		<b>3</b>		<b>9</b>		<b>7</b>		<b>9</b>		<b>9</b>		<b>15</b>		<b>61</b>	<b>3,475,735</b>

Source: Ministry of Health

# Patients must be told about the risks

N. Sunday Times pg 13 11-11-07

THERE were undisputed elements of negligence in the treatment of baby Lai Yok Shan, which caused her to lose her left forearm.

Health Minister Datuk Seri Dr Chua Soi Lek reportedly said she should have been treated by a specialist, not a trainee doctor.

This case isn't about higher patient expectations or large amounts of money spent and not getting the desired results — but a clear case of negligence and of medical error.

Similar stories of medical negligence have been repeatedly highlighted by the media over the years.

The statistics may not look alarming — 62 negligence cases over seven years and less than 200 cases at court. But, each story of negligence, of a life affected by medical error, is one story too many.

Yet, Dr Tim Hegan of the Medical Protection Society said medical negligence wasn't getting more rampant and the quality of healthcare wasn't sliding.

What then is causing these cases of negligence, time and again? Dr Hegan said it was because of a lack of communication between doctors and patients.

"Doctors should explain to patients what the outcome of a treatment could be and show them that it might go wrong, or there might be an infection or a scar. We try to encourage our doctors to do that and maybe that isn't happening here as much," he said.

Medical Defence Malaysia execu-

tive director Dr Eddie Soo said doctors sometimes refused to talk to patients or patients' relatives.

"It's vital that the doctor talks to the patient, explains what's the diagnosis and the treatments available," said Dr Soo, who is also a consultant orthopaedic surgeon with a private hospital.

"Sometimes surgery's not the only answer. The patient must be given a choice — it's his life, his suffering, his money."

In a landmark ruling by the Court of Appeal last year in the case of Foo Fio Na versus Dr Soo Fook Mun & Anor (see also Page 22), it was affirmed that doctors had a duty to disclose the risk to their patients before performing critical operations and it's for patients to decide whether to go for surgery.

Foo was awarded RM1.2 million in damages, including interest.

She was paralysed 25 years ago following an operation on the spine by Dr Soo to treat her dislocated cervical vertebrae after a car accident.

"If doctors don't really listen to their patients, they won't make the right decisions," said Dr Ponnusamy Muthaya of the Medico-Legal Society.

"Some don't give proper advice or explanation and, more often than not, doctors don't get informed consent from patients before starting any course of treatment."

But sometimes it was not communication, but sheer exhaustion that caused medical error, said Dr Pon-

nusamy.

"Doctors in the public healthcare system are often overworked. Some countries allow their doctors to work a maximum number of hours, after which they must go off-duty.

"But in Malaysia, we're more worried about bus drivers who work continuously, but are not as worried about our doctors working 18 to 20 hours. Why?"

Dr Soo said the privatisation of healthcare had led to increased competition among doctors and this sometimes resulted in unnecessary procedures or surgeries.

"I get patients who come and tell me that doctors don't say much but just tell them to go for operation.

"If doctors only want to make money, they should go into business, not medicine," said Dr Soo.

There's also a lack of focus on the prevention of error among healthcare workers "from doctors to ambulance drivers", said Dr Ponnusamy.

"There is no mechanism to prevent medical errors from occurring during treatment, where risks are identified and assessed from A to Z and measures are put in place to avoid or minimise risks," he said.

In a statement, the Association of Private Hospitals Malaysia said medical audits were carried out regularly by doctors and hospital management in larger hospitals to ensure good clinical governance.

But Dr Ponnusamy said most hospitals did not have proper medical audits.



Dr Ponnusamy Muthaya of the Medico-Legal Society says doctors are often overworked

And they are not compelled to report cases of medical error or negligence to the Health Ministry, unless it's related to the death of an infant or mother.

APHM said a "sudden mortality conference" was held among doctors for all cases of death, irrespective of normal or sudden or unexplained — as required under the Private Healthcare Facilities and Services Act 1998.

"Sudden or unexplained deaths are reported to the police. Post-mortems are also conducted. This review is always carried out on a



Dr Tim Hegan of the Medical Protection Society says the quality of healthcare isn't going down

monthly basis," said APHM.

But, not all negligence incidents caused deaths, said Dr Ponnusamy. What about medical errors which caused non-fatal but devastating results such as permanent paralysis?

In addition, Dr Ponnusamy said some people in the medical field did not have the aptitude for the job.

"Patients question everything and medical information is available with a click of the mouse.

"So if a disease isn't treated the way they think it should, they may rightly or wrongly conclude that the doctor has been negligent."