

Medical association seeks changes in handling procedures for high-risk patients

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Dr Muruga Raj Rajathurai

KUCHING (Aug 1): The Malaysian Medical Association (MMA) has called for reforms in the handling of medical procedures involving high-risk patients.

In a statement, MMA president Dr Muruga Raj Rajathurai said among the reforms proposed include mandatory mediation where decisions in favour of the injured patients can be made much quicker compared to pursuing a decision via litigation.

He said the concept of no-fault compensation, where the outcome of the settlement is not about blaming any parties but to look into ways to assist the parties that are injured to some form of normality, has also been proposed.

“We also need to identify more doctors with the relevant expertise to come forward to offer expert opinions that will be used to assist the courts.

“Due to the protracted nature of trials in courts that can potentially take years to come to a decision, many doctors tend to shy away from being involved in offering their expertise,” he pointed out.

“The time for speaking about these issues in various forums and meetings are over; we now need to press ahead with these reforms that have been proposed over the years and come up with actions, lest the slippery slide to dangerous territories is what we are aiming for in years to come.”

The MMA was referring to two recent High Court judgements, where one case involved a three-year-old girl who was left paralysed after a caesarean birth, while another case involved a woman and her four-year-old daughter, who suffered severe and irreversible brain damage during the child’s birth.

Both cases occurred in Peninsular Malaysia.

“While we take note of the decisions made which the MMA respects, we are also concerned about the nature of how litigation is progressing in our country,” said Dr Muruga.

He said no amount of monetary compensation can completely heal an injured party or their aggrieved next of kin and, the MMA understand the costs involved in recovery and rehabilitation that are in the thousands and the years to manage.

“What we are now seeing is a shift of doctors especially involved in high-risk specialities such as obstetrics, neurosurgery, spine surgery, among others unwilling to be involved in the care of high-risk patients,” he said.

These patients are deprived of care from some of the most senior consultants in the field because of the unwillingness of parties, especially the next of kin, to accept risks associated with the procedures, he stressed.

He said these patients are most times referred to public hospitals, adding on to the workload of the specialists in public hospitals.

Dr Muruga pointed out there is only so much a consultant can oversee of high-risk cases in the public sector.

He said the workload is not only demanding, but it is inevitable that doctors with a wide range of experience and expertise will be involved in the care of the patient.

“Such is the nature of the workload in public hospitals. At times, mistakes and complications can happen due to the sheer volume of work undertaken.

“The million-dollar question is where do we go from here? Lawsuits with high payouts will lead to a higher cost of professional indemnity insurance in the long run.

“The cost of this will no doubt be passed on to the patients, thus leading to upward spiralling of healthcare cost,” he pointed out

He suggested learning from Singapore, where the judiciary recognised this as a problem in 2016 and, within a few years, worked together with the Singapore Medical Council and various stakeholders to address it head-on.

He pointed out that MMA, as well as other professional societies, have spoken about this issue multiple times to various stakeholders from the executive, legislative, and judiciary components of the government of the day.