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Be updated on recent developments and pressing Medico-Legal issues faced by medical practitioners and healthcare providers

MEDICO-LEGAL

16-17 June 2009 • Prince Hotel, Kuala Lumpur, Malaysia

”It is my aspiration that health will finally be seen not as a blessing to be wished for; but as a human right to be fought for.”
- Former United Nations Secretary General, Kofi Annan

CONFERENCE HIGHLIGHTS:

- Recent Medico-Legal Developments
- Medico-Legal inquiries: the ministry of health experience
- Guidelines on using mediation in clinical negligence cases
- Proactive strategies and preventive measures to reduce legal risks and costs
- Steps in preparing and documenting medical findings and medical opinions
- Legal risk and why of a “Good Samaritan”: When you are off duty
- What are the trends in health care cost and spending?
- Legal considerations where placebos or active ingredients are administered into patients
- Key considerations when there is written evidence that the terminally ill patient does not wish to be resuscitated
- When can restraint be applied which is legally and ethically acceptable?
- Steps to take if a request is made for access to confidential charts/reports/progress notes

PANEL OF DISTINGUISHED SPEAKERS:

Datuk Kuthubul Zaman Bukhari, Chairman, BAR COUNCIL - MALAYSIAN MEDIATION CENTRE

Datuk Dr. Megat Burhainuddin Megat Abdul Rahman, Elected Council Member, MALAYSIA MEDICAL COLLEGE and Vice-Chancellor, MAHSA UNIVERSITY COLLEGE

Dato Dr. Ravindran Jegasothy, Senior Consultant & Head, Dept of Obstetrics and Gynaecology, HOSPITAL KUALA LUMPUR

Prof Dato’ Dr. Syed Mohamed Aljunid, President, PUBLIC HEALTH MEDICINE SPECIALIST ASSOCIATION OF MALAYSIA and Senior Research Fellow, UNITED NATIONS UNIVERSITY-INTERNATIONAL INSTITUTE FOR GLOBAL HEALTH

Datuk Dr. Teoh Siang Chin, Public Health Specialist, Health Service Manager and Head of Research Management, CLINICAL RESEARCH CENTRE

Anit Kaur Randhawa, Partner, ASBIR, HIRA SINGH & CO

Benjamin Gaw, Senior Associate, DREW & NAPIER LLC, SINGAPORE

Damian Lim, Director - Legal Affairs, SUNWAY MEDICAL CENTRE

Daniel Koh, Partner, RAJAH & TANN LLP, SINGAPORE

Harry Jalla, Senior Legal Advisor - Legal Affairs, GLENEAGLES INTAN MEDICAL CENTRE

Dr. H Krishna Kumar, Senior Consultant - Obstetrics & Gynaecology Department, HOSPITAL TUAHKU JA’AFAR, SEREMBAN

Dr. Milton Lum, Consultant Obstetrician & Gynaecologist, ASSUNTA HOSPITAL, PETALING JAYA and Chairperson, COMMONWEALTH MEDICAL TRUST

Dr. Mohamad Farouk Abdullah, Head, Senior Consultant and Reproductive Medicine Specialist, Department of Obstetrics and Gynaecology, HOSPITAL TENGKU AMPUAN RAHIMAH, KLANG

Dr. Murali Ganesalingam, Senior Consultant and Head of Department, Department of Obstetrics and Gynaecology, HOSPITAL AMPANG

Anit Kaur Randhawa, Partner, ASBIR, HIRA SINGH & CO

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What are current trends in medical care?
Barriers to open disclosure
Third party requests for medical records
Proactive strategies and preventive measures to reduce medico-legal issues
Clinical trial agreements – What you need to know
Raising awareness of benchmarking by exemplary practices
Selecting the expert witness
Steps to take if a request is made for access to confidential charts/reports or deleted information
Establishing causation
Advantages of open disclosure
Refusing access to personal health information
What are the factors contributing to growing medico-legal cases?
What, when, how
Identifying role models and implementing exemplary Practices
The duty of care
Determining the breach of duty
Establishing causation
What are the future challenges face by the duty of care?
Identifying the risk and potential problems
Duty of the expert witness
Handling patients’ complaints effectively
Analysing the systems which negligence occurred and changing these systems to reduce probability of malpractice
Case study
The Bolam test: Its application in practice
Professional indemnity
The direct and indirect impact of medico-legal cases?
Steps to take when a claim or complaint is filed
Selecting the expert witness
Presentation of the reports and evidence
What is the direct and indirect impact of protective communications and legal advice with in house counsel of hospitals?
Who can seek access to health information?
Refusing access to personal health information
Third party requests for assessments or reports for courts or tribunals
What are the trends in health care cost?
The duty of care
Elements of open disclosure
The tort of negligence
What, when, how
Barriers to open disclosure
Advantages of open disclosure
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The direct and indirect impact of medico-legal cases?
17 JUNE 2009
WEDNESDAY 1 DAY 2

“\text{"It may seem a strange principle to enunciate as the very first requirement in a hospital - that it should do the sick no harm"} \text{— Florence Nightingale: Notes on Hospitals, 1859 —}\\

8.30  MORNING COFFEE

9.00  CHAIRPERSON’S OPENING REMARKS
Damian Lim  
Director - Legal Affairs  
Sunway Medical Centre

9.10  RECENT MEDICO-LEGAL DEVELOPMENTS
\begin{itemize}
  \item Contemporary medico-legal issues
  \item Challenges affecting the healthcare industry
  \item Looking ahead
\end{itemize}

Raja Elleen Soraya  
Partner  
Raja, Darryl & Loh

9.55  MORNING REFRESHMENT

10.10  MEDIATION AS AN ALTERNATIVE DISPUTE RESOLUTION IN CLINICAL NEGLIGENCE
\begin{itemize}
  \item Guidelines on using mediation in clinical negligence cases
  \item Confidentiality and the negotiation process
  \item Role of lawyers or medical legal advisors and the parties in the mediation process
\end{itemize}

Datuk Kuthubul Zaman Bukhari  
Chairman  
Bar Council - Malaysian Mediation Centre

10.55  MEDICO-LEGAL INQUIRIES: THE MINISTRY OF HEALTH EXPERIENCE
Dr. Mohammad Farouk Abdullah  
Head, Senior Consultant and Reproductive Medicine Specialist, Department of Obstetrics and Gynaecology, Hospital Tengku Ampuan Rahimah, Klang

11.40  LAWFUL CONSENT TO TREATMENT: HOW MUCH INFORMATION IS ENOUGH?
From the point of view of Malaysian doctors, the key consideration to obtaining consent is deciding how much information and advice is sufficient to meet legal requirements. That is what concerns them most. The topic will include other issues such as the direction that the courts appear to be taking. The substance will generally be based on English Law, with Malaysian Cases cited where possible.

\begin{itemize}
  \item Basis for obtaining consent
  \item True consent and informed consent
  \item Development of consent requirements via case law
  \item Speculating on the probable direction that will be taken by the courts
\end{itemize}

Dr. Sarjeet Singh Sidhu  
Obstetrician & Gynaecologist  
Visiting Consultant Ipoh Specialist Hospital and Hon. Deputy Secretary  
Malaysian Medical Association

12.25  LUNCH

1.40  MEDICO-LEGAL ISSUES ARISING FROM GENERAL PRACTICE
\begin{itemize}
  \item Current medical practice environment (or constraints) - legal rights and obligations
\end{itemize}

2.30  PROVIDING LEGAL PROTECTION FOR DOCTORS AND HEALTHCARE PROFESSIONALS
\begin{itemize}
  \item What constitutes medical negligence or malpractice?
  \item How does a court decide whether a doctor or hospital employee has been negligent?
  \item What to do when a lawsuit is filed due to negligence?
  \item Protection against frivolous and malicious complaints
  \item Case studies and examples
\end{itemize}

Dr. Molly Cheah  
Senior Consultant and Head of Department Department of Obstetrics and Gynaecology Hospital Ampang

3.15  AFTERNOON REFRESHMENT

3.30  END OF LIFE DECISION MAKING
\begin{itemize}
  \item Resuscitation versus natural death
  \item Difference between active and passive euthanasia
  \item Key considerations when there is written evidence that the terminally ill patient does not wish to be resuscitated
  \item Case studies and examples
\end{itemize}

Mr. Wan Adnan Wan Hussein  
Consultant Surgeon & Medical Superintendent Hospital Penawar  
Chairman  
Malaysia Medical Association (Johor Branch)

4.15  MEDICO-LEGAL CASE STUDIES
\begin{itemize}
  \item Challenges and issues faced
  \item Lessons learnt
\end{itemize}

Anit Kaur Randhawa  
Asbir, Hira Singh & Co

5.00  END OF CONFERENCE

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UPCOMING EVENTS

Apr 14-15  Advanced Balanced Scorecard  
Apr 22-23  Corporate Tax Planning  
May 5-6  Credit & Operational Risk Management  
May 12-13  Talent Management & Leadership Success  
May 26-27  Financial Crime & Fraud  
June 10-11  Waste Management  
June 23-24  Financial Controller
Profiles:

DATUK KUTHUMAR ZAMAN RUBARY has held various positions in the Malaysian Bar and the Bar Council. He was the Secretary from 2000 to 2002, the President of the Malaysian Bar, and the President of the Malaysian Bar and Chairman of the Bar Council from 2003 to 2005. He is also a member of the Royal Malaysian Police on 4.2.2004 and was also appointed to sit on the Royal Commission To Enquire Into the Standard Operating Procedure, Rules And Regulations in Relation To The Conduct Of Body Search In Inspectors and All Others Detained By The Police on 1st December 2005.

DATUK DR. MEGAT BURNIHANUDIN MEJAT ABDUL is a graduate in Medicine from University of Malaya, underwnt specialty training in Public Health Medicine and served in the Malaysian government for 30 years as Public Health Medicine Specialist with special interest in Health Services Management, Health Planning which has been honoured by many states in Malaysia and held in the Ministry of Health in the area of training include Director, Public Health Institute and Director General Community Services, Director General, Division. He has experience in Health Services Management when he was Director of Kuala Lumpur Hospital, the Ministry of Health Malaysia was Deputy Director General of Health Malaysia. After retirement from Public Health, he was appointed Executive Officer of Melaka-Manipal Medical College. Currently he is Vice-Chancellor in MAHSA University College, Kuala Lumpur, an Elected Member of the Malaysian Medical Council and Chairman of the Preliminary Investigation Committee of the Council.

DATO DR. RAWDAN INJESGETHY, a Senior Consultant in Obstetrics & Gynaecology who is presently the Head of the Department of Obstetrics & Gynaecology & Family Planning at Hospital Kuala Lumpur, the premier public hospital in Malaysia. He is a fellow of the Royal College of Obstetricians and Gynaecologists, London and has the Masters of Medicine (O&G) from National University of Singapore and PostGraduate in Community Health from the Academy of Medicine of Malaysia and the Indian Academy of Medical Sciences. He has taught at the Medical School and most significantly was awarded the Distinguished Community Services Award for Safe Motherhood activities in Kuala Lumpur and in the whole of Malaysia. He is also a member of the Malaysian Society for Quality in Health, President of Malaysian Society for Forensic Obstetricians and Gynaecologists, and a member of the International Society of Gynaecological Endoscopists and an organiser of the Society of Law and Medicine in Malaysia.

PROF DATO DR. SYED MOHAMED ALIUNI obtained his MD from UMK in 1985. Master of Science in Public Health in 1998. PhD in epidemiology in 1993 from the University of Malaya. Currently he is the Dean of the School of Public Health Faculty of Medicine, University of Malaya, and is currently serving on the Malaysian Transplantation Council.

ANT KAIRU RANDAWHA commenced legal practice in 1999 and was made a Partner in 2003 at Siami & Co., a law firm located in Kuala Lumpur. He is an expert in Medical Negligence, Corporate Receivables, Banking. Commercial Law and Tortious Actions. He is a regular contributor to the Benchlex, an electronic journal. He is an expert in medical law and has a particular interest in evidence-based policy decision making and human resource development and practice. He lectures part time and has served on various committees that deals with health financing in Malaysia and has presented papers particularly related to primary care and FOS at conferences, seminars and workshops in Malaysia and Indonesia. He has coauthored several publications in peer-reviewed journals and other health publications.

DR. MURUJ GANESalingam obtained his basic degree from Stanley Medical College at University of Madras in 1988 and subsequently obtained his Masters degree in 1993 from Osmania University, India. He worked at the Arunpat Hospital, Klang. He worked in numerous hospitals in Malaysia including牆Gol research assistant at Kuala Lumpur Hospital, Queen Elizabeth at Kota Kinabalu and Hospital Kuala Lumpur and is currently a Senior Consultant, Obstetricians & Gynaecologists, Hospital Kuala Lumpur. He obtained his post graduate degree from the Royal College of Obstetricians and Gynaecologists, London and subsequently completed his fellowship in Advanced Obstetric and Gynaecology with the Ministry of Health. He also has a post graduate diploma in Medical Law from the University of Northumbria, UK. He has organised the first National Seminar on Risk Management in Hospitals, under the Ministry of Health, in 2000 and is presently working on the Malaysian Society for Quality in Health (MSQH).

RAJA EILEEN SORAYA BTE RAJA AMAN graduated with a Bachelor of Laws degree with honours in 1993 and was called to the Bar in the Supreme Court of the State of Selangor. She is a member of the Malaysian Bar. She spent a year reading in the Chambers of Fairs and Edmonds in the Supreme Court of the State of Malaya of the Inner Temple, London. Raja Eileen spent a year reading in the Chambers of Fairs and Edmonds in the Supreme Court of the State of Malaya of the Inner Temple, London. Raja Eileen spent a year reading in the Chambers of Fairs and Edmonds in the Supreme Court of the State of Malaya of the Inner Temple, London. Raja Eileen spent a year reading in the Chambers of Fairs and Edmonds in the Supreme Court of the State of Malaya of the Inner Temple, London. Raja Eileen spent a year reading in the Chambers of Fairs and Edmonds in the Supreme Court of the State of Malaya of the Inner Temple, London. Raja Eileen spent a year reading in the Chambers of Fairs and Edmonds in the Supreme Court of the State of Malaya of the Inner Temple, London. She is a graduate of the National University of Singapore. She is a member of the Malaysian Bar. She is also a member of the Ethics Committee. She has an abiding interest in the study of religion, is on the Editorial Board of two leading religious Journals and has several articles on Sikhism published in various Journals.

DR. SARJEET SINGH SIDHU, FRCOG, is an Associate Professor in Reproductive Endocrinology at the University of Malaya. He is currently the Hon. Deputy Secretary in the Ministry of Health, Government of Malaysia. He is the current President of the Malaysian Fertility Society. He has been an invited speaker at various medico-legal conferences.

MR. WAN ADNAN BIN WAN HUSSEIN is a Consultant Surgeon with 11 years of General and Urological surgery experience. He is an expert in independently doing laparoscopic surgery since 1996. Solid knowledge of comprehensive urological surgery and patient care. His skills include successful and patient care. His skills include successful and patient care. His skills include successful and patient care. His skills include successful and patient care. His skills include successful and patient care. His skills include successful and patient care. His skills include successful and patient care. His skills include successful and patient care. His skills include successful and patient care. His skills include successful and patient care. His skills include successful and patient care.
Although the growth in public and private healthcare has encouraged tandem growth in medico-legal services, the practice of medicine is facing more scrutiny than ever. The increasing number of allegations of medical negligence is a cause for concern. This has certainly reinforced the need for healthcare organisations in Malaysia to implement effective framework and preventive measures to reduce Medico-Legal controversies and costly litigations.

"If a pediatrician fails to administer an officially recommended vaccine and the child gets a preventable disease, the pediatrician could be sued for malpractice. If the child is injured as a side effect from such a vaccine, no pediatrician will be sued. HMOs cannot be sued."

~ Roger Schlafly ~

Recognising the above challenges, Asia Business Forum has specially designed a practical and informative 2-day Conference on MEDICO-LEGAL for organisations operating within the health sector. The aim of this Conference is to emphasise the importance of acquiring adequate medical indemnity as well as to provide information about the various elements and qualities of such indemnity protection. The Conference will also cover key strategies to increase the quality of patient care and minimise the threat of litigation. Also get the updates on current legal issues, risk management systems that will mitigate future litigation and alternative means of resolving disputes with patients.

Invest your time in this 2-day Conference now to gain more information and knowledge that will assist you in reducing the risk of being exposed to medical negligence claims. Don’t miss this good opportunity to network with the medical and legal professionals.

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