

Complain to Medical Council

Vacuum and Forceps Delivery – Failed Complaint to the Malaysian Medical Council

A young couple made a complaint to the Malaysian Medical Council against an MDM member, who was an obstetrician and gynaecologist. During the delivery assisted by vacuum application and forceps, the baby suffered cuts on the head, swelling of the head, and a bald patch. Later on, jaundice was found.

The complaint was dismissed. The Preliminary Investigation Committee appointed by the President of the Council found that there were no grounds to frame a charge against the member. The Council agreed with the Committee.

The complainants attended before the Committee seeking compensation and an apology for the alleged negligence, unaware that the Council was not ordinarily concerned with errors of diagnosis or treatment by doctors which give rise to an action in negligence. That is a question which should be left for the civil courts to decide. The disciplinary jurisdiction of the Council is in regard to infamous conduct in a professional respect. The complainants had insisted on a normal vaginal delivery when difficulties arose during the delivery and rejected the advice of the member to accept a Caesarean section. The complaint did not have the support of an independent obstetric expert.

The member was represented in the proceedings by two lawyers appointed by MDM. The member's defence was assisted by her careful note-keeping and her co-operation with MDM and MDM's lawyers. The costs of defending the member were borne by MDM. The costs could not be recovered from the complainants because the law does not provide for recovery of costs from complainants in Medical Council proceedings.