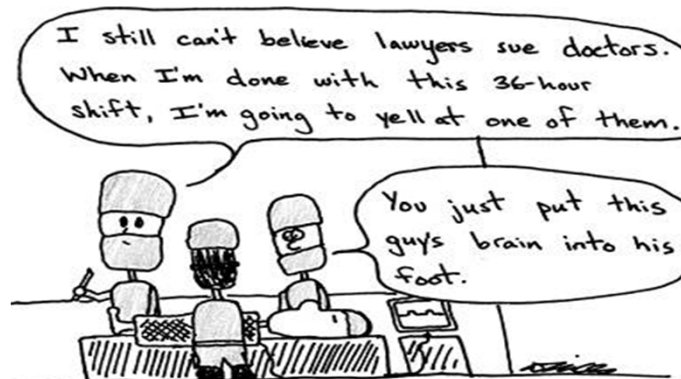


MICG MEDICAL NEGLIGENCE, MEDIATION AND MEDICAL RECORDS UPKEEPING CONFERENCE 2011

“UPDATES IN CURRENT MEDICO - LEGAL ISSUES TO SAFEGUARD AGAINST CLAIMS AND LITIGATION”

The increasing number of medical negligence cases is a cause for concern for the legal and medical fraternity. Pursuing doctors for compensation through the courts when errors occur can amount to “torture” for the professional concerned and does not improve patient care. Adoption of mediation as an alternative to litigation in medical negligence claims by using alternative dispute resolution mechanism can avoid risky, prolonged and expensive court process. In the new age of electronic data, upkeep and proper management of medical records must be maintained. By attending this conference your organisation will gain more information and knowledge in reducing the risk of being exposed to medical negligence cases from distinguished speakers who are expert in the field of medico - legal issues.

28TH. APRIL 2011
HOTEL ISTANA
KUALA LUMPUR CITY CENTRE
MALAYSIA



Some patients, though conscious that their condition is perilous, recover their health simply through their contentment with the goodness of the physician.

-Hippocrates 460-400 B.C.

...If I do not violate this oath, may I enjoy life and art, respected while I live and remembered with affection thereafter. May I always act so as to preserve the finest traditions of my calling and may I long experience the joy of healing those who seek my help.

-part of Hippocratic Oath

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Y.Bhg. Tan Sri Dato' Seri Megat Najmuddin Megat Khas

President, Malaysian Institute of Corporate Governance

Nachammai Kumarappan

Bar Council, Malaysian Mediation Centre

Dr. Milton Lum

Director, Medical Defence Malaysia Berhad

Dr. H. Krishna Kumar

President Elect (2010-2011) Obstetrical & Gynaecological Society of Malaysia (OGSM)

Stuart JV Pack

CEO, Prince Court Medical Centre

Raja Eileen Soraya Raja Aman

Partner, Raja, Darryl & Loh

P.S. Ranjan

Advocate & Solicitor, P S Ranjan & Co

Dr. Murali Ganesalingam

Senior Consultant and Head of Obstetrics & Gynaecology Dept., Hospital Ampang

Manmohan S. Dhillon

Advocate & Solicitor, P S Ranjan & Co

A doctor was not to be held negligent simply because something went wrong. He was not liable for mischance or misadventure, nor for error of judgement. He was only liable if he fell below the standards of a reasonable competent practitioner in his field, so much so that his conduct was deserving of censure or inexcusable.

-Excerpts Lord Denning's judgement Hucks v Cole(1968) (112-SJ483)

The **Malaysian Institute of Corporate Governance (MICG)**'s objectives are to express and promote proper management of business and affairs of corporations, accountability of directors, enhancing and strengthening compliance, performance and encouraging good corporate governance and organizational excellence in corporations.

The Report on Corporate Governance published by the High Level Finance Committee in March 1999. Stipulated MICG as '**The Recognized Corporate Governance Training Centre**' (CGTC).

Our mission is to educate directors and management of corporations on what constitute good corporate governance and organizational excellence through all forums of advocacy and education to enhance the corporate governance agenda in Malaysia.

<http://www.micg.net>

MICG MEDICAL NEGLIGENCE, MEDIATION AND MEDICAL RECORDS UPKEEPING CONFERENCE 2011

8:00am – 8.45am Registration
8.45am – 9:00am Opening address by **YBhg. Tan Sri Dato' Seri Megat Najmuddin Megat Khas**, President, Malaysian Institute of Corporate Governance

MORNING SESSION

Chairperson/Moderator: Prof. Dr. Puteri Nemie Jahn Kassim, IIUM

9:00am – 9:45am **COURT-ANNEXED MEDIATION AND ITS IMPLICATIONS**
“Mediation the way forward in Medical Negligence cases”
- Facilitative mediation
- Advantages Court annexed mediation
- Possibility of having a own code of to mediate medical negligence cases
Nachammai Kumarappan, Bar Council, Malaysian Mediation Centre

9:45am– 10:00m Refreshment & Networking

10:00am-10:45am **BOLAM:WHEN DOES IT APPLY AND WHEN DOES IT NOT?**
- Bolam test – the ordinary competent practitioner
- Bolam test continues to live in Malaysia under a different name, the Bolitho test
- Bolam/Bolitho test – not applicable to administrative and clerical errors and many organisational and system failures and cases of supply of defective products
- Bolam/Bolitho test – relevant particularly to diagnosis and treatment
- “Patient” standard emphasised regarding doctor’s duty to give information and advice to patients
- In Australia – revival of the Bolam test in modified form regarding diagnosis and treatment but not information
Manmohan S. Dhillon, Partner, P.S. Ranjan & Co.

10:45am –11:30am **MEDICAL RECORDS AS EVIDENCE**
Raja Eileen Soraya Raja Aman, Partner, Raja ,Darryl & Loh

11:30am-12:15pm **MEDIATION AS AN ALTERNATIVE DISPUTE RESOLUTION IN CLINICAL NEGLIGENCE**
Stuart J V Pack, CEO, Prince Court Medical Centre

12:15pm-2:00 pm Lunch

AFTERNOON SESSION

Chairperson/Moderator: Dr. Molly Cheah, Primary Care Doctors' Organisation, Malaysia

2:00pm – 2:45pm

HOW TO AVOID MEDICO- LEGAL PROBLEMS

- Administrative and Clerical Errors and Organisational and System Failures which are Difficult to Defend
- Errors of Professional Judgment, Defensible and Indefensible
- Delegation to the Incompetent
- Practising beyond the Level of One's Competence
- Mistakes in Communication and Record-keeping
- The Need for a Simple and Effective Complaints and Grievances Procedure

P.S. Ranjan, Advocate & Solicitor, P.S. Ranjan & Co.

2:45pm – 3:15pm

PREVENTING MEDICAL MALPRACTICE SUITS

- Why patients sue
- Changes that will reduce the risk of being sued
- World wide trends
- Relevance of Bolam
- Role of Bolitho
- Objective evidence
- Academy of medicine

Dr. Murali Ganesalingam, Senior Consultant, Head of Obstetrics & Gynaecology Dept., Hospital Ampang

3:15pm – 3:30pm

Refreshment & Networking

3:30pm – 4:15pm

MAINTAINING CONFIDENTIALITY IN MEDICAL RECORDS

- Explore how confidentiality can be eroded
- When medical records can be destroyed or deleted
- Steps to take if a request is made for access to confidential charts / reports / progress notes
- Who can seek access to health information
- Responding to a request for access to health information
- Refusing to access to personal health information
- Third party requests for assessments or reports for courts and tribunals

Dr. H Krishna Kumar, President Elect (2010-2011) Obstetrical & Gynaecological Society of Malaysia (OGSM)

4:15pm –5:00pm

CONSENT

Dr. Milton Lum, Director, Medical Defence Malaysia Berhad

5:00pm

Close of Conference

**MICG MEDICAL NEGLIGENCE, MEDIATION AND MEDICAL
RECORDS UPKEEPING CONFERENCE 2011
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KUALA LUMPUR CITY CENTRE, MALAYSIA**

1)Name :
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 Email :
 HP :

2)Name :
 Position :
 Email :
 HP :

3)Name :
 Position :
 Email :
 HP :

4)Name :
 Position :
 Email :
 HP :

5) Name :
 Position :
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Approval Dept/ Manager:.....
Payment Contact Person:.....
Position, Dept.:
Direct Email:
Direct H/P:
Direct Tel:

Forum Fee: RM1,200.00 only
 (Fee includes lunch, refreshment and conference materials)

For Government Officials, a Local Order or Letter of Approval to participate must be presented at the venue ('LO Counter')

CONFIRMATION UPON REGISTRATION RECEIVED
 An e-invoice will be emailed to Payment Contact Person for Payment purposes.

Please register with payment :

Malaysian Institute of Corporate Governance
 1st Floor, No 10, Jalan SS7/16,
 47301 Kelana Jaya, Petaling
 Jaya, Selangor
 PHONE:+(603)78756711/ 22/ 33
FAX: +(603)78756700
<http://www.micg.net>

rasid@micg.net
sriena@micg.net

Rasid:+(6-012)6015290
Elena:+(6-016)9182182

Important Notice:
 I. Payment Terms: Upon confirmation of registration, an e-invoice will be emailed for payment to be received within seven (7) working days. Cheques / bank drafts should be crossed and made payable to

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II. Cancellation/Transfer: Cancellation must be received in writing one (1) week before the conference. Payment made will be issued a Credit voucher (CV) to attend MICG's future conferences.

III. If you are unable to attend, another name can be substituted.

IV. The Organizer reserves the right to make any amendments or changes as may be necessary on the replacement of speaker, venue, agenda and topics of this conference.

V. Upon confirmation of registration, an e-invoice will be e-mailed and upon payment, an e-receipt will be emailed.