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## Medicolegal Cases in Malaysia

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A COMPARATIVE ANALYSIS WITH  
WESTERN NATIONS



# The Medicolegal Situation in Malaysia

## **Types of Medicolegal Cases**

The types of medicolegal cases in Malaysia include medical negligence, criminal cases, and complaints against doctors and healthcare institutions.

## **Frequency of Cases**

The number of medicolegal cases in Malaysia has been on the rise in recent years, with medical negligence being the most common type of case.

## **Challenges Faced by Doctors and Lawyers**

Doctors and lawyers face numerous challenges in medicolegal cases, including navigating complex legal systems, dealing with emotional stress, and protecting professional reputations.



# Challenges Faced by Doctors and Lawyers

## Challenges Faced by Doctors

Doctors face numerous challenges in providing care in a litigious environment, including increased stress levels, fear of legal action and mistrust from patients.

## Challenges Faced by Lawyers

Lawyers face significant challenges in representing their clients in complex medical cases, including the need for specialized medical knowledge, high costs and difficulty in obtaining expert witnesses.



# Comparison of Medicolegal Situation in Western Nations with Malaysia

## Medicolegal Cases in Western Nations

Medicolegal cases are common in Western nations due to the complex legal and healthcare systems, as well as the high levels of medical malpractice claims.

## Medicolegal Situation in Malaysia

The medicolegal situation in Malaysia is different from that of Western nations, with fewer cases reported due to cultural, legal, and systemic factors.

## Cultural Factors

Cultural factors, including trust in healthcare providers and alternative medicine practices, play a role in the medicolegal situation in Malaysia.

# What Doctors Need from Lawyers and Vice Versa

## Legal Expertise

Doctors need lawyers with expertise in healthcare law to help navigate complex regulations and protect their interests in medicolegal cases.

## Medical Knowledge

Lawyers need doctors to provide medical knowledge and insights to help build strong cases and ensure that patients receive the best possible care.



•RM8 million

The Kuala Lumpur High Court has awarded more than **RM8 million** to a woman and her four-year-old daughter who suffered severe and irreversible brain damage due to medical negligence during the child's birth at a government hospital.



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# Private Hospitals Also Liable For Medical Negligence: Federal Court Ruling Analysis (Part I)

By Dr Milton Lum | 13 March 2024

Dr Milton Lum says the anaesthetist held liable for medical negligence in *Siow Ching Yee v Columbia Asia Sdn Bhd* had indemnity coverage of RM1 million, hence the patient's appeal to the Federal Court against the private hospital alone that he recently won.



## Risks Associated with Medicolegal Cases

Medicolegal cases pose a significant risk to the healthcare system by **increasing the cost of care, lowering patient satisfaction, and decreasing the trust** between healthcare providers and patients.

# Healthcare Private Insurance Challenges in Malaysia

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# Healthcare Private Insurance Challenges in Malaysia

- Malaysian consumers often encounter difficulty with healthcare insurance, including **limited coverage, high premiums, and long waiting periods.**
- Private healthcare insurance providers often struggle with **balancing cost-effective policies**, maintaining affordability, and offering comprehensive coverage.
- The Malaysian government has implemented some policies to address healthcare insurance challenges, including offering tax incentives and requiring that insurance providers offer minimum levels of coverage.





# Overview of the Situation

## **Insurance Policy Changes**

Patients with some insurance policies are no longer able to use their coverage at many private hospitals, which have been removed from the insurance panels. These hospitals will now charge them for treatment.

## **Reasons for Change**

Insurers cite increased healthcare costs and the need for improved claim management as reasons for this change.

## **Ongoing Conversations**

The situation is still evolving, with ongoing conversations between insurers, hospitals, and regulators to find a resolution.



# Why did insurers drop private hospitals?

## **Increased Healthcare Costs**

Insurers dropped private hospitals due to increased healthcare costs, which are often higher in larger, premium private hospitals than smaller hospitals.

## **Improved Claim Management**

Insurers dropped private hospitals to improve claim management, which helps manage costs while still providing quality healthcare to their customers.

# Impact on Patients, Hospitals, and the Healthcare Industry



## Patient Affordability

The removal of private hospitals from insurance panels has resulted in **higher out-of-pocket costs or Co Payment** for patients with insurance policies. As a result, many patients may be unable to afford the treatments at private hospitals, forcing them to seek treatment at public hospitals.

## Private Hospital Revenue

Private hospitals that have been removed from insurance panels may face a **decline in patient volume and revenue**. This may lead to financial difficulties for these hospitals and result in the need to reduce staff or services. *Medical Tourist\**

## Healthcare Industry Balancing Act

The healthcare industry in Malaysia is grappling with the challenge of **balancing cost management with patient access to quality healthcare**. This requires careful planning and coordination among healthcare providers, insurance companies, and government regulators.



# Efforts to Resolve the Situation

## Ongoing Conversations

There are ongoing conversations between insurers, hospitals, and regulators to find a resolution to the situation. A collaborative approach is being taken to find a sustainable solution.

## Cost Management and Patient Access

The Malaysian government has recommended that insurers combine cost management with patient access to healthcare facilities to make healthcare more affordable and accessible to all.

## Alternative Payment Models

Some hospitals are exploring alternative payment models, such as direct billing to patients or partnering with insurers to offer more affordable packages.

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# Conclusion

## Patient Choice

The removal of private hospitals from insurance panels has led to concerns about patient choice and access to quality healthcare in Malaysia.

## Access to Quality Healthcare

The removal of private hospitals from insurance panels has highlighted the need for Malaysians to have access to quality healthcare at an affordable cost.

## Collaborative Approach

A collaborative approach, involving insurers, hospitals, regulators, and the public, is needed to ensure that Malaysians have access to affordable, high-quality healthcare.

