

Medico-Legal Responsibility in Singapore

Book Review by S Y Tan

“Medico-Legal Responsibility in Singapore” is the first book of its kind in Singapore. The book, written by Dr Yeo Khee Quan, a doctor-lawyer, seeks to present the various medico-legal issues that confront the modern-day practicing physician. That Dr. Yeo has succeeded in bringing this handbook to publication deserves congratulations. Such an undertaking is no simple task for a practicing orthopedic surgeon. That he initially assembled it for a Master’s thesis is beside the point, as much supplementing and editing had to go into the final product.

This small handbook is divided into eight chapters, with a one-page postscript to capture the most recent regulatory changes. The author has organized the chapters around the doctor’s responsibilities to the patient and to third parties, and medical responsibilities arising out of training and hospital practice. There is a chapter on medical informatics. Finally, two chapters round off the book, one dealing with institutions and statutes, the other with reforms.

The writing style is casual and simple, and the materials are generally useful and accurate. The book’s small size limits a more comprehensive coverage of the subject, but it is less intimidating to the busy doctor and therefore more likely to be read.

The main medico-legal issues confronting physicians are those relating to malpractice, informed consent, peer review, and end-of-life care. These are covered in the book, but they compete with less bona fide “legal” subjects surrounding practice and healthcare delivery, e.g., Singapore Medical Association (SMA), Singapore Medical Council (SMC), hospital structures, managed care . . . etc. As a result, the author is forced to sacrifice a more thorough analysis of these key medico-legal issues. The book is well illustrated with cases, most from Great Britain (only a few from the US), and hardly any from Singapore, for the simple reason that healthcare law is relatively undeveloped in Singapore. Occasionally, the author cites a case without an adequate description of the facts, and he does not always illuminate the case holdings, i.e. the conclusions of law. It would also be nice to see the actual statutory language of the relevant Singapore laws, which may

be more important to the local reader than overseas case/article quotations.

The author treats the important law of informed consent in insufficient detail, and should consider a more coherent and complete discussion of this issue, which the patient inevitably raises whenever bad results occur. American law on this topic is rich, evolving, and fascinating. On the subject of malpractice, the author has skirted the critical element of legal causation (proximate cause), the darling of defense attorneys. The reader would also welcome more emphasis on risk management; the practicing physician is always keen to learn how to prevent or successfully defend against a lawsuit (communication, documentation, consent). A listing of the most common situations and conditions that lead to a malpractice lawsuit would also be useful.

Singapore’s legislation on advance medical directives, Asia’s first, is unfortunately given short shrift. The author does not clearly articulate the rationale for the Act, nor is there a critical assessment of its strengths and weaknesses. Likewise, he relegates HOTA, Singapore’s courageous and successful attempt to improve its transplantation statistics, to a single short paragraph. These two pieces of legislation are sentinel events in Singapore’s healthcare legal growth, and deserve much greater coverage.

To the author’s credit, he devotes an entire chapter to medical informatics. This is unusual in a book on legal medicine, but the author correctly points out that many legal issues will haunt our profession as information technology continues to outstrip developments in law and ethics. Problems of confidentiality, privacy, security, advertising and discrimination are all important by-products.

The author includes a welcome chapter on reforms. Here is an opportunity to spell out a bold prescription for change, but not always taken full advantage of. He is perfectly on target when he insists on immunity for doctors who participate in peer review activities (a new law now ensures this), but is on weaker grounds when asking for compensation for SMC activities. He is curiously unsure as to whether the doctor should

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release medical information to the patient and his/her attorney. And the suggestion that the plaintiff pre-pays a non-refundable fee may or may not prevent frivolous suits, yet this will surely chill the filing of legitimate claims.

The twin reasons for the tort system, just compensation and deterrence of substandard care, could be more forcefully articulated as the underpinnings for tort reforms. There is a nice listing of various tort reform measures, but little discussion of the pros and cons of each.

Finally, the author's insightful evaluation of the responsibilities of hospital training programs towards trainees and patients alike deserves close attention by the accrediting authorities.

There are several "production" deficiencies that the next edition can readily remedy. The cover is stylish enough, but the contents can use a more professional makeover. I would place the appendix and tables at the back, rather than the front, of the book. Better use of captions and font-size would more clearly signal where chapters and their sub-sections begin and end. In some parts, the manual reads more like lecture notes than a text. There are also too many grammatical errors to distract the reader.

Notwithstanding these comments, this reviewer believes that the book represents a sincere, able and useful effort that will benefit the Singapore healthcare provider. I recommend its place on the shelf of every doctor in the Republic.

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