

TEACHING MEDICAL LAW

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A complaint was submitted against Dr B, a general practitioner, on the display of a banner over his clinic that appeared to be in contravention of the Medicines Advertisement Board regulations. The banner advertised beauty products and services offered by a company in which the doctor's wife had business interest. Dr B obtained basic medical education overseas and his wife was a foreigner.

After conducting inquiries and deliberating on the matter, the Preliminary Investigation Committee decided that there should be an inquiry by the Council.

The charge against Dr B was:

“That you have disregarded and neglected your professional duties, abused your professional privileges and skills and conducted yourself in a manner derogatory to the reputation of the medical profession and violated the Code of Professional Conduct as adopted by the Malaysian Medical Council concerning advertising and canvassing, directly and/or indirectly which directed attention to your professional skills and services for the purpose of obtaining patients or promoting yourself for your professional advantage.”

Dr B admitted guilt, attributing it to ignorance of the Council's ethical code governing advertising by the medical profession. The Council, after taking into consideration the plea in mitigation, unanimously agreed to reprimand the respondent.

Lessons

This case illustrates the ignorance of the doctor with regard to the Council's ethical code governing the medical profession. It is a matter of concern that many doctors are relatively unaware of the processes of law. Doctors are becoming increasingly embroiled in legal proceedings, and it is important that doctors be proactively educated in legal matters pertaining to the medical profession as a preventive measure. The inclusion of medicolegal and ethical issues in the local medical curriculum as a general subject is useful as a foundation but does not cover medical graduates from overseas who are yet to familiarize themselves with the local ethical code governing the profession. Merely providing reading materials on medical legalities is unlikely to achieve the appropriate impact. Consideration should be given to educating medical graduates in their internship years on these issues through precedent-based education in a participation type of education (e.g. mock trials, simulation and role play). Although a number of cases brought to the Council for hearing ends with the doctor merely being reprimanded, the hassle of attending inquiries, the amount of time spent, and the associated worries of the outcome, should be enough deterrent for any doctor to want to avoid

such encounters through learning from previous cases. A wealth of precedent cases have been accumulated through Council hearings, and can be used as educational material.

References

1. Code of Professional Conduct (Adopted by the Malaysian Medical Council on 9th December 1986). Advertising, canvassing and related professional offences, p. 25-6.
2. Mayeda M & Takase K (2005). Need for enforcement of ethicolegal education – an analysis of the survey of postgraduate clinical trainees. BMC Medical Ethics 6:8.