

Amendments to the Medical Act

*Tan Sri Dato Seri Dr Hj Mohd Ismail Merican
President, Malaysian Medical Council*

It is my pleasure once again to contribute to our Newsletter.

As you all are probably aware by now, proposals have been made to amend various sections of the Medical Act 1971. This exercise actually commenced nearly 16 years ago and it is now in the penultimate stage. The whole process was necessarily time consuming and arduous as we have to accommodate new and evolving challenges nationally and globally especially with regards to medical practice and medical education.

For the information of registered practitioners, when this Act was first enacted in 1971, there were only 873 doctors in the whole country but today we have more than 27,000 registered practitioners throughout the country. The challenges we face in the practice of medicine then and now are clearly different. Today's practice is to a large extent highly dependent on modern technology. Also our patients are now more demanding and aware of their rights. Many of them have access to the internet and are therefore capable of acquiring the latest medical information which they can use to counter the advice of our doctors. So doctors who are not in step with current developments in the medical field will find ourselves helpless and ill equipped when confronted by the internet savvy and technologically minded clients.

The present Act unfortunately is inadequate and not comprehensive enough to accommodate the dynamic changes taking place in the health sector. The amendments to the Medical Act will hopefully fulfil the expectations of our learned and enlightened clients and guide our newer breed of medical practitioners.

The Council as the intermediary between patients and practitioners is entrusted to strike a delicate balance to ensure that health care is not compromised, both parties are not short changed and justice and fair play are practised at all times. Currently Medical Councils the world over are redefining their roles and it is only appropriate that our Council responds accordingly. Malaysia will be left behind if we do not take a cue from others to modify our Act and act in tandem with other countries that are actively pursuing changes to suit the needs of present day medical practitioners.

It is obvious that we need a Medical Act that will ensure patient safety and prepare our practitioners to face the daunting challenges ahead. The present emphasis on subspecialisation and the looming challenge of globalisation and liberalisation are tremendous and our doctors need to be prepared.

The current Act has scant provisions on issues related to the practice of medicine. More emphasis is given to registration which was relevant at that time. The proposed amendments include greater representation of elected and appointed representatives in the Council and a more definitive role in Medical Education whereby the Council will be

involved from day one of the inception of any medical schools. Others include the training of medical students and emphasis on continuous professional development of practitioners. Besides this, the disciplinary punishment against errant doctors in the present Act places emphasis on punitive actions only whilst the proposed amendments have avenues for rehabilitative and preventive measures. It would also allow for interim orders to be instituted in instances of grave disciplinary offences where fatality has taken place and where the continued practice of the said practitioner is deemed to be a real threat to the public.

Another issue of contention over the years is the blurring of the divide between generalists and the specialists especially the subspecialists. A definitive and specific system of credentialing and privileging to ascertain legitimate specialists will be in place with the introduction of a National Specialist Register. Bogus practitioners involved in non-evidence based medicine can be weeded out under this system while those who qualify will be acknowledged and duly recognised.

Finally, the Act allows for the Council to be a corporate body and this would mean that it will no longer be directly under the Ministry of Health. As a corporate body, the Council will be a separate entity having its own administrative body to provide more efficient and prompt services. I hope with all these major changes which are long overdue, the amended Act, which is expected to be passed in Parliament soon, will give the impetus to the Council to play its role more effectively.

Before I pen off, let me take this opportunity to wish all our Muslim practitioners “Selamat Hari Raya Puasa”.