

Guidelines for Medical Practice for Doctors beyond the age of 70 years

1. The Medical Act vests the registration and issuance of annual practicing certificate to registered medical practitioners in the Malaysian Medical Council (“the Council”).
2. No health care facility shall make any determination on a registered medical practitioner’s fitness to practice. Any registered medical practitioner involved in such determination shall, if proved to the satisfaction of the Council, be liable to disciplinary punishment.
3. The Council is always mindful of its obligation to protect the public interest.
4. All registered medical practitioners have an obligation to recognize the limits of their professional competence.
5. The Council, being cognizant of the increasing life span and the contributions of experienced registered medical practitioners to the delivery of healthcare, fully supports the aspirations of such registered medical practitioners who desire to continue to make these contributions beyond the age of 70 years.
6. All registered medical practitioners have an ethical responsibility to report to the Council whenever they have knowledge of any registered medical practitioner whose illness is impacting (or may impact) on his or her performance and, in addition, when one or more of the following applies:
 - a. The registered medical practitioner’s illness is posing, or may pose, a risk to patient safety; or
 - b. The registered medical practitioner refuses, or has failed, to follow advice and guidance from his or her own doctor, occupational health adviser or employer.

The Council will also investigate any such complaint or information from other parties involved in the provision of health care e.g. health or medical director, licensee, person in charge, nurses etc.

7. The Council recognizes the importance of continuing work to maintain physical and mental health and that decision making requires both problem solving as well as clinical wisdom or crystallized intelligence. The Council also recognizes that registered medical practitioners may voluntarily decide to stop doing certain procedures.
8. The Council recognizes, and expects registered medical practitioners to recognize the constraints that age might impose on their competence and capabilities.
9. The Council recognizes that age should not be a criterion for retirement from active practice.

10. The following guidelines shall guide all registered medical practitioners who desire to continue practising beyond the age of 70 years.

Competence

11. Professional medical associations or health care facilities may recommend to the Council an outline of the competencies required for any relevant discipline, and the levels to be attained for a registered medical practitioner to practise beyond the age of 70 years. In the case of recommendations from health care facilities, the advice of the Medical Advisory Committee shall be of prime consideration.
12. The Council may impose restrictions on any practicing privileges that it deems fit. This may include limiting the area of practice to the registered medical practitioner's core competence or requiring that the registered medical practitioner practise or continue to practise within a team.
13. In the imposition of any restriction, the Council shall ensure that registered medical practitioners who are able to demonstrate the required competencies to practise beyond the age of 70 are not unfairly restricted.
14. In the exercise of its judgment, the Council shall be satisfied that:
 - a. The registered medical practitioner is "fit to work"; and
 - b. The registered medical practitioner has participated and will continue to participate in appropriate continuing professional development.
15. A registered medical practitioner is not "fit to work" unless he or she:-
 - a. Has the requisite qualifications, skills and competence; and
 - b. Is physically and mentally fit for that work.
16. An application for an annual practicing certificate shall include a declaration by the registered medical practitioner of his or her health status, including vision, hearing, speech and motor skills.
17. The registered medical practitioner may be required by the Council to undergo an appropriate independent health assessment.
18. Alternatively, the Council may require a medical report to attest for the registered medical practitioner's physical and mental fitness to practise.

Practice assessment

19. Registered medical practitioners who desire to practise beyond the age of 70 years shall possess the required information specified in paragraph 20 to demonstrate their continued competence in the area in which they desire to continue to practise.

20. This checklist is the **minimum** information to be possessed by registered medical practitioners who desire to practise beyond the age of 70 years:
- a. Current practice profile;
 - b. Any limitations on practice, whether voluntary or imposed. Any limitation imposed by age-related illness must be clearly stated;
 - c. Proposed practice profile in the subsequent year, and how any limitations on practice have been addressed in the practice profile;
 - d. Any investigated complaints of a professional nature involving the registered medical practitioner and the outcome of such investigations;
 - e. Where the registered medical practitioner practises in a health care institution or group practice
 - (i) testimony from at least one other registered medical practitioner in the same health care institution or group practice; and
 - (ii) confirmation of appropriate arrangements for cover in case of, but not limited to, illness.
 - f. Evidence of ongoing participation in continuous professional development.

Medical Indemnity

21. The Council acknowledges that some medical indemnity organizations may stipulate additional requirements for registered medical practitioners beyond a particular age. A registered medical practitioner shall provide evidence to the Council and/or health care institution or group practice that he or she is currently a member of a medical indemnity organization or evidence of current coverage from an insurance company.

Acknowledgements

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The draft of this guideline was prepared by a Council committee comprising Dr Milton Lum Siew Wah (Chairperson), Prof Dato Mohd Amin Jalaludin, Dr David Quek Kwang Leng, Associate Prof Sabariah Abdul Rahman and Prof Yunus Gul Alif Gul

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