Prevention of medicolegal issue in clinical practice

Nurul Athirah Mahzan, Hanizah Ngadiron

Faculty of Medicine and Health Sciences, Universiti Sains Islam Malaysia (USIM), 71800 Bandar Baru Nilai, Negeri Sembilan, Malaysia

ABSTRACT

Introduction: The Ministry of Health (MOH) is experiencing a rise in medico-legal litigation cases. The recent surge in large compensation amounts, reaching millions of ringgits, has placed a financial strain on the Government. Additionally, MOH healthcare providers are spending more time testifying in court proceedings, which interferes with their clinical responsibilities. **Materials and Methods:** A comprehensive narrative review was conducted using Google Search for general articles, Google Scholar for scholarly studies, and publications from Malaysian Ministry of Health (MOH) Medico-Legal team which is Guidelines on the Management Medico Litigation in Ministry of Health of Malaysia 2023 and Medicolegal eBulletin Vol.4 (2023), and 24 more literatures focusing on medico-legal issue and its preventive measures. **Results:** The most effective methods in preventing medicolegal issues include accurate and timely documentation and the use of standardized informed consent, both of which are essential in defending clinical decisions and reducing legal risk. These are followed by strict adherence to Clinical Practice Guidelines (CPGs) and Standard Operating Procedures (SOPs), which ensure consistency in care delivery, and effective communication with patients and families, which plays a crucial role in maintaining trust and transparency. Additional preventive strategies include continuous medicolegal education and training to enhance legal awareness among healthcare providers, as well as incident reporting and root cause analysis (RCA), which contribute to long-term risk management and system improvement. **Conclusion:** The increasing trend of medico-legal litigation within the Ministry of Health (MOH) does not only impose a significant financial burden but also disrupts the primary clinical duties of healthcare professionals. This review highlights the multifactorial nature of medico-legal issues, predominantly rooted in procedural and diagnostic errors, ethical concerns, and communication failures. However, these challenges are not insurmountable. Strengthening the medico-legal awareness among healthcare providers and fostering a culture of accountability and patient-centred care is essential in safeguarding both patient safety and institutional integrity.

Keywords: Malpractice, negligence, defensive medicine, jurisprudence