

SMLE 2022

Medico-Legal Education for All

The Sarawak **MEDICO-LEGAL CONFERENCE**

Combined with
**THE MEDICO-LEGAL SOCIETY OF
MALAYSIA MEDICO-LEGAL SOCIETY
OF SINGAPORE JOINT SEMINAR 2022**

20-21 AUGUST 2022 (SATURDAY-SUNDAY)
BORNEO CONVENTION CENTRE KUCHING, SARAWAK

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Secretariat e-mail: medicolegal2022@gmail.com

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Welcome Message from the **ORGANISING CHAIRPERSON**

Dear friends and colleagues,

On behalf of the Organising Committee, it is my great pleasure to welcome you to the Sarawak Medico-Legal Conference 2022 combined with the Medico-Legal Society of Malaysia- Medico-Legal Society of Singapore Joint Seminar (MLSM-MLSS) 2022 in Kuching!

The number of complaints and medico-legal cases in recent years have been steadily escalating and their management remains challenging. In keeping with the theme of 'Medico-Legal Education for ALL', this inaugural event aims to enhance the awareness and knowledge of healthcare providers and legal practitioners on the current medico-legal issues and their implications and hence to improve the healthcare service generally. The Organising Committee of SMLC 2022 is honoured to have a combined meeting with the MLSM-MLSS Joint Seminar 2022 in which this joint venture will promise an even greater platform for academic discussion as well as networking.

I wish you an enjoyable and fruitful conference under the new norm. Don't forget to explore the sights, sounds and tastes of Kuching too, as Kuching has so much to offer to its guests. Thank you!

Dr. Peter Tan

Consultant Neuroanaesthesiologist, Sarawak General Hospital

President, Malaysian Society of Neuroanaesthesiology and Neurocritical Care



Welcome Message from the **PRESIDENT**

Dear Delegates,

On behalf of Medico-Legal Society of Malaysia, it is my great pleasure to welcome you to the Sarawak Medico-Legal Conference 2022 combined with the Medico-Legal Society of Malaysia- Medico-Legal Society of Singapore (MLSM- MLSS) Joint Seminar 2022 in Kuching!

I firstly want to thank the organisers of the Sarawak Medico-Legal Conference for inviting us to be part of this important inaugural event.

MLSM is privileged to participate together with our colleagues in Singapore, the Medico-Legal Society of Singapore where the MLSM- MLSS Joint Seminar 2022 will present 'Lessons from Recent Cases and Developments in the field of Medico-Legal matters and Medicine'. In doing so, our team of eminent speakers will touch on topics ranging from legislative reforms, issues on the ground from medical practice to real conversations on the well-being of doctors.

Without question, the medico-legal landscape has transformed in the last 30 years with increasing complaints, medico-legal cases and practitioner concerns in tandem with increasing patient expectations, insurer intervention and increasing commercialisation of the healthcare industry.

The solutions seem to lie in the adoption of best practices and the avoidance of disputes. If unavoidable, then efficient management of disputes once they surface appears to be an important step which is yet to be practiced across the board. The key to all this remains good Medico-Legal Education.

It is the objective of the participating organisations to enhance the awareness and knowledge of healthcare providers and legal practitioners on the current medico-legal issues and their implications. The goals of the healthcare industry include possible reforms that will affect the delivery of justice and healthcare. Accordingly, this conference aims to update delegates and provoke thought. If you are involved in either the legal or healthcare industry, you would want to be part of this experience!

It is hoped that all of you will benefit from authentic academic discussion as well as create or renew ties in this important circle of thought leaders.

I wish you an enjoyable and fruitful conference where I look forward to meeting all of you in person. Thank you!

Shanti Abraham

Medico-Legal Society of Malaysia



ORGANISING COMMITTEE

ORGANISING CHAIR



Dr. Peter Tan

SECRETARIAT



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Dr. Camilla Ngen

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Safri



Dr. Tan Yee Wen

SOCIAL PROGRAMME/ EMCEES



Dr. Keren Lim



Dr. Arieza Bohari

INVITED SPEAKERS

Malaysia



Dr. Ahmad Fareed A Rahman

Dr Ahmad Fareed bin A Rahman is currently the Deputy Director of Medical Practice Division (Medico Legal Section), Ministry of Health Malaysia (MOH). He holds an MBBS degree from International Islamic University Malaysia and doctoral degree in Public Health Medicine from National University of Malaysia. He is a trained public health physician with extensive experience in both medical and public health programs.

He involved in various services and regulatory activities involving management of medico legal complaints, handling compensation payouts of medical negligence cases, coordinating medical negligence civil suits, conducting regular surveillance audits towards improving healthcare quality and services. He is also working actively on development of MOH medico legal policies and standards to enhance medico legal knowledge and awareness amongst MOH personnel.



Datin Anit Kaur Randhawa

Anit Kaur Randhawa is a Partner with Asbir, Hira Singh & Co. Anit holds a Bachelor of Laws (Honours) from the University of Bristol, United Kingdom. She was called to the English Bar (Lincolns Inn) in October 1998 and was admitted as a Advocate and Solicitor of the High Court of Malaya in 6.10.1999.

She received a accreditation by the Bar Council Malaysia as a Member of Panel of Mediator of the Malaysian Mediation Centre in the year 2008.

She handles medico legal matter as part of her Civil litigation portfolio and regularly appears in the Lower Court, High Court and the Appellate Courts and the Malaysian Medical Council.

INVITED SPEAKERS

Malaysia



Ms. Christal Wong Ai Mei

Christal graduated with a LLB (Hons) from the University of Liverpool and studied the BPTC in City, University of London. She is currently an Associate in Shearn Delamore & Co, where she practices general litigation.

Christal's portfolio covers areas such as commercial disputes, administrative law, professional negligence, product liability, environmental, safety and health claims and quasi-criminal prosecutions.

Christal is currently a member of the Executive Committee of the Medico-Legal Society of Malaysia.



Mr. Harish Nair

Harish is a litigator with a practice in civil and commercial litigation. He has particular expertise in medico-legal cases and is a member of the Executive Committee of the Medico-Legal Society of Malaysia.

As part of his medico-legal practice, Harish represents healthcare professionals in clinical negligence claims at all levels of the Malaysian courts as well as at disciplinary inquiries before the Malaysian Medical Council. He is well versed with the legislation related to the healthcare industry, including the Medical Act 1971, the Private Healthcare Facilities and Services Act 1998 and the Malaysian Medical Council's Guidelines, and his work extends to providing advice on compliance with these legislations. He also frequently speaks at healthcare seminars and conferences on legal issues pertaining to the healthcare fraternity, including hot button topics brought about by the Covid-19 pandemic and the rise of tele-health and artificial intelligence.

Apart from medico-legal matters, Harish is experienced in handling a wide variety of commercial and civil litigation. His experience encompasses company and shareholder disputes, defamation claims, land disputes including allegations of fraud, and disputes in the construction industry and the oil and gas industry. He has also advised clients on matters pertaining to employment disputes and actions for judicial review. His practice has encompassed alternative dispute resolution including arbitration and mediation.

INVITED SPEAKERS

Malaysia



Mr. Jason Low

Jason is an Advocate & Solicitor of the High Court of Malaya. In the course of his legal practice, he was involved in the conduct of numerous clinical negligence claims, many of which involved complex issues of both law and medicine. Jason has also been involved in hearings before the Malaysian Dental Council.

Jason was a regular contributor to the U.K. based newsletter BioNews, published by the Progress Educational Trust (PET), where he reported on developments in the areas of genetics, assisted conception, embryo/stem cell research and other related areas.

Jason is a member of the Medico-Legal Society of Malaysia and currently serves as the Treasurer of the Society.

Jason is the co-author of "Medical Law and Ethics in Malaysia" published by Lexis Nexis. He is also a contributing editor to the "Annotated Statutes of Malaysia - Medical Act 1971" and "Annotated Statutes of Malaysia - Private Healthcare Facilities and Services Act 1998", both published by Lexis Nexis.



Dr. John Chee Ming Chew

Dr John CM Chew is a practising anaesthetist at Borneo Medical Centre, Kuching since its opening in 2013. He was previously at Normah Medical Specialist Centre from 1988. He took leadership position as President of the Society of Private Medical Practitioners, Sarawak in 2006 with the implementation of Private Healthcare Facilities and Services Act 1998 and Regulations 2006.

He was President of MMA in 2016.

He was Elected MMC Council member 2009-2015, Appointed MMC member 2018-2020 and Chairman Ethics Committee 2020-2022.

INVITED SPEAKERS

Malaysia



Dr. Mark Tan Kiak Min

Dr Tan is a medical graduate of the National University of Ireland. He subsequently completed an MA in Bioethics & Medical Law at St. Mary's University, London, and is also a trained Mediator.

He is currently a Lecturer in Medical Ethics and Medical Law at the Faculty of Medicine, UiTM. He is also the Coordinator of the Clinical Ethics Consultation Service at Pusat Pakar Perubatan UiTM.

Dr Tan's area of interest is in Clinical Ethics, particularly looking at decision-making on ethical issues at the end of life. He is also keenly involved establishing this field in Malaysia and heavily involved in Medical Ethics teaching at both undergraduate and postgraduate levels.



Dr. Mohamed Faruqi Uzair Mohamed Sidek

Dr Mohamed Faruqi Uzair Mohamed Sidek (MBBS LLM DLM BLS) graduated in medicine from the University of Malaya and previously held the position of Senior Principle Assistant Director in the Medico Legal Section, Medical Practice Division, Ministry of Health Malaysia.

His passion for law saw him completing Bachelor of Legal Studies from University Technology MARA (UiTM) and a Masters in Medical law and Ethics LLM at the University of Kent, with the dissertation titled: 'The Impact of Covid-19 Towards the Standard of Care in Medical Negligence'

He is currently a Medicolegal Consultant with Medical Protection Society based in London as part of Team Asia, Caribbean & Bermuda whose daily work involves helping doctors in these jurisdictions with their medicolegal issues.

He is currently a member of the executive committee of the Medicolegal Society of Malaysia.

INVITED SPEAKERS

Malaysia



Dato' Dr Mohamed Hassan Haji Mohamed Ariff

Dato' Dr Mohamed Hassan Ariff is a Senior Consultant Anaesthesiologist at Institut Jantung Negara and is currently the Vice President (Medical) of the Medico-Legal Society of Malaysia. In addition to his eminent medical qualifications and expertise, Dato' Dr Hassan has a deep and longstanding interest in medical law and holds a Master of Laws in Healthcare and Medical Law.

Dato' Dr Hassan obtained the Colombo Plan Scholarship from the Australian Government to do medicine, and subsequently graduated in medicine (MBBS) from Monash University, Melbourne, Australia. He also obtained a Fellowship in Anaesthesia from the Royal College of Surgeons in Ireland (FFARCSI).

Dato' Dr Hassan presently holds the post of Senior Consultant Anaesthesiologist in IJN. He was awarded Fellow of Academy of Medicine Malaysia, Fellow National Heart Association of Malaysia and Fellow of ASEAN College of Cardiology. He regularly lectures on medico legal issues and believes graduating doctors should have better medico-legal education.



Ms. Nurulhuda Mansor

Nurulhuda Mansor was admitted as an Advocate & Solicitor of the High Court of Malaya in 2008 and is currently a Partner at Messrs. Shearn Delamore & Co.

Nurulhuda's areas of practice consists of all aspects of contentious and non-contentious professional and medical malpractice, insurance law and general civil litigation. She has authored and presented papers on medico-legal topics at various conferences and seminars. She is currently the Assistant Secretary (Legal) and life member of the Medico-Legal Society of Malaysia (MLSM) and a member of the International Bar Association (IBA).

INVITED SPEAKERS

Malaysia



Dr. Peter Tang

Currently Managing Director or Director of 4 private centres in Sarawak (Borneo Medical Centre, Kuching and Miri, Bintulu Medical Centre and Rejang Medical Centre in Sibu)

He was in private practice since 1997 and was the main person handling the potential medico-legal cases among those medical centres. Always believing in amicable settlements, his teams have managed not to be involved in medico-legal court cases so far.



Professor Dr. Puteri Nemie Jahn Kassim

Puteri Nemie Jahn Kassim is a Professor at the Civil Law Department, Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia. She obtained her LLB (with Honours) degree from the University of Southampton, England and completed her postgraduate studies (Masters of Comparative Laws and Doctor of Philosophy in Law) at the International Islamic University Malaysia. She also completed an academic fellowship programme at National University Singapore.

She is currently teaching Law of Torts and Medical Law at undergraduate level and Medical Negligence Law at the postgraduate level. Her latest book entitled "Medical Negligence in Malaysia - Cases and Commentaries (2nd edition)" has been published by Sweet & Maxwell Asia. Other titles include "Nursing Law and Ethics", "Medical Negligence Law in Malaysia" and "Law and Ethics relating to the Medical Profession" which have published by the International Law Book Services. She has also edited a book entitled "Issues in Medical Law and Ethics". Other publications include articles in reputable local and international journals. She is also active in presenting papers at both the national and international arena.

INVITED SPEAKERS

Malaysia



Ms. Raja Eileen Soraya Raja Aman

Raja Eileen Soraya is a senior partner of Messrs Raja, Darryl & Loh, Kuala Lumpur and practises in the areas of civil and commercial litigation. Her practice currently focuses on medico-legal & dento-legal matters as well as reputational management and media law.

Her many years of practice in medical law and medical ethics includes the defence of doctors, dentists and hospitals at civil trials, arguments at appellate levels and representation of medical and dental practitioners at disciplinary inquiries. She also regularly advises doctors, dentists and hospitals on various legal and ethical aspects involved in healthcare and provides assistance in the management of adverse events.

Eileen has been recognized by the Asia Pacific Legal 500 as a Leading Lawyer in Dispute Resolution. She is also ranked as a Leading Lawyer in Dispute Resolution in Asialaw Profiles. She is also the immediate past president of MLSM.



Ms. Shanti Abraham

Shanti Abraham, prior to forming her boutique practice Messrs Shanti Abraham & Associates in Kuala Lumpur, has practiced as an advocate and solicitor in both Singapore and Kuala Lumpur.

Shanti has been in legal practice for over 25 years. In Singapore she trained with M/s Drew & Napier and practiced in M/s Rajah & Tann before moving to Kuala Lumpur where she practiced with M/s Jeff Leong Poon & Wong before becoming Partner in M/s Puthuchear. She is a Fellow of the Chartered Institute of Arbitrators, a CIPAA Adjudicator and a SIMI Certified Mediator. Shanti is a member of Institute of Corporate Directors Malaysia (ICDM) and is available for appointments to Boards of Directors.

Her practice areas include corporate and commercial law, banking law, healthcare law (both corporate advisory and dispute resolution (medical negligence), insurance law, business advisory and dispute resolution (appearing at all levels of Court including Federal Court and in Arbitration). Shanti continues to have a broad and mixed practice of civil and commercial dispute resolution and local & international corporate work.

INVITED SPEAKERS

Singapore



Adjunct Professor Jeffrey CHAN Wah Teck, SC

Jeffrey CHAN Wah Teck, SC graduated from the University of Singapore and Harvard Law School. He spent 45 years in the Singapore Legal Service where he held a number of appointments, including Chief of Staff and Deputy Solicitor-General. His work covered a wide range of civil, criminal, constitutional and administrative law, medico-legal as well as international law matters.

In the course of his career he has held numerous appointments at the international as well as at the regional level, including, among others, Chairman of the United Nations Commission on International Trade Law, Vice-President of Singapore Red Cross, President of the Medico-legal Society of Singapore and Member of the ASEAN High -Level Legal Experts Group.

He led numerous delegations to ASEAN, Commonwealth and United Nations events and was Singapore's Chief Negotiator for many international agreements. This was in addition to his numerous court appearances and speaking engagements.

He retired in 2018, and is presently practising law as a Senior Director of TSMP Law Corporation of Singapore, focusing on commercial litigation and criminal matters. He is also an Adjunct Professor in the Faculty of Law of the National University of Singapore; Co-Chair of the UK-based Forum on International Conciliation and Arbitration (FICA); Vice Chair of the Law Society's Public and International Law Committee and a Member of the Party Political Films Advisory Committee. Additionally he is the Hon. Legal Advisor to the Foundation of Rotary Clubs of Singapore and the Crohn and Colitis Society of Singapore.

Mr Chan is a Fellow of the Chartered Institute of Arbitrators (UK) and the Singapore Institute of Arbitrators, as well as a Senior Mediator of the Singapore Mediation Centre.

INVITED SPEAKERS

Singapore



Professor Kumaralingam Amirthalingam

Kumaralingam Amirthalingam is a Professor at the Faculty of Law, National University of Singapore. He teaches Criminal Law, Law of Torts and Business Torts. His research is in the areas of criminal law and justice (focusing on the role of the Public Prosecutor) and tort law (focusing on medical liability).

He is a member of the Medical Law Review Editorial Advisory Board and a member of the Singapore Medical Council's Complaints Panel. He has served as an Appointed Expert to the Ministry of Health, Government of Singapore.

INVITED SPEAKERS

United Kingdom



Dr. Bobby Nicholas

Dr Bobby Nicholas completed his medical degree at Queen's University Belfast and has a Master's in Medical Law from King's College London. He is a qualified General Practitioner and he was previously the Clinical Lead for a large GP out-of-hours service.

He joined Medical Protection in 2014 and is now in a role combining technical and operational responsibilities.



Dr. Sara Sreih

Dr Sara Sreih qualified with MBBS in 2008 from UCL, having also obtained a BSc in Neuroscience and Basic Medical Sciences. She went on to train in psychiatry in West London, gaining membership of the Royal College of Psychiatrists. She has also worked as a Postgraduate Medical Education and Clinical Risk Fellow, and obtained a Postgraduate Diploma in Clinical Education.

She joined MPS in 2016, initially working in the UK team, and now works as a Medicolegal Consultant supporting doctors in Asia, the Caribbean & Bermuda.

PROGRAMME

20 August 2022 (Saturday)		
Time	Agenda	Speaker
0700-0800	Registration	
SMLC Session 1		
0800-0845	Consent in clinical practice and documentation	Professor Dr Puteri Nemie binti Jahn Kassim (<i>Civil Law Department, Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia</i>)
0845-0930	The concept of medical negligence	Mr Jason Low (<i>Partner, Messrs Ram & Low</i>)
0930-1000	Opening ceremony	
1000-1030	Coffee break	
SMLC Session 2		
1030-1100	What constitutes aggravated damages?	Datin Anit Kaur Randhawa (<i>Partner, Messrs Asbir, Hira Singh & Co.</i>)
1100-1130	Professional misconduct and the disciplinary process	Ms Cristal Wong (<i>Associate, Messrs Shearn Delamore & Co.</i>)
1130-1200	Expert witness	Ms Raja Eileen Soraya Raja Aman (<i>Partner, Messrs Raja, Darryl & Loh</i>)
1200-1230	Court attendance and the judging process	Mr Harish Nair (<i>Partner, Messrs Juen, Jeat, Nic & Nair</i>)
1230-1315	Sponsored symposium (<i>Medical Protection Society</i>) Reducing medicolegal risk from adverse incidents	Dr Bobby Nicholas (<i>Medicolegal Consultant Team Leader, Medical Protection Society</i>) Dr Sara Sreih (<i>Medicolegal Consultant, Medical Protection Society</i>)
1315-1415	Lunch	
MLSM- MLSS Joint Seminar 2022: 'Lessons from Recent Cases and Developments in the field of Medico-Legal and Medicine'		
1415-1430	Welcome addresses from the President of MLSM and MLSS	President of MLSM/ President of MLSS
Joint Seminar Session 1		
1430-1500	Lessons from legislative reform of medical negligence and medical complaints	Professor Kumar Amirthalingam (<i>Faculty of Law, National University of Singapore</i>)
1500-1530	Lessons from recent disciplinary punishments by the Malaysian Medical Council	Mr Jason Low (<i>Partner, Messrs Ram & Low</i>)
1530-1600	Coffee break	
Joint Seminar Session 2		
1600-1630	Medico-legal considerations in emergency situations	Adj. Professor Jeffrey Chan Wah Teck, SC (<i>Faculty of Law, National University of Singapore; TSMP Law Corporation</i>)
1630-1700	Wellbeing of junior doctors	Dr Mohamed Faruqi Uzair Mohamed Sidek (<i>Medical Protection Society</i>)
End of Day 1		

PROGRAMME

21 August 2022 (Sunday)

SMLC Session 3

Time	Agenda	Speaker
0830-0915	Medical law in the medical curriculum	Dato' Dr Mohamed Hassan Haji Mohamed Ariff (<i>Consultant Anaesthesiologist, National Heart Institute</i>)
0915-1000	Recent medico-legal court cases of interest	Ms Nurulhuda Mansor (<i>Partner, Messrs Shearn Delamore & Co</i>)
1000-1030	Coffee break	

SMLC Session 4

1030-1100	Ethics from the Malaysian Medical Council's perspective	Dr John Chew (<i>Consultant Anaesthesiologist, Borneo Medical Centre</i>)
1100-1130	Implications of apology and the role of apology laws	Professor Dr Puteri Nemie binti Jahn Kassim (<i>Civil Law Department, Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia</i>)
1130-1200	Management of medico-legal complaints in the Ministry of Health Malaysia	Dr. Ahmad Fareed bin A Rahman (<i>Deputy Director of Medical Practice Division (Medico Legal Section), Ministry of Health Malaysia</i>)
1200-1230	Mediation as an alternative to litigation in medico-legal cases	Ms Shanti Abraham (<i>Founder, Messrs Shanti Abraham & Associates</i>)
1230-1300	<i>Sponsored symposium (Medical Protection Society)</i> Protecting your medical career	Dr Mohamed Faruqi Uzair Mohamed Sidek (<i>Medicolegal Consultant, Medical Protection Society</i>)
1300-1400	Lunch	

SMLC Session 5

1400-1430	How to handle patients and their relatives during complications	Dr Peter Tang (<i>Director, Borneo Medical Centre, Kuching and Miri; Bintulu Medical Centre and Rejang Medical Centre, Sibu</i>)
1430-1500	Ethical Issues during the pandemic	Dr Mark Tan (<i>Coordinator, Clinical Ethics Consultation Service, Pusat Pakar Perubatan UiTM</i>)
1500-1530	Medico-legal liabilities related to new technology, electronic media and tele-consultation	Mr Harish Nair (<i>Partner, Messrs Juen, Jeat, Nic & Nair</i>)
1530-1600	Coffee break	
1600-1655	Panel discussion: Medico-legal education for all- why, who, when and how?	Moderator: - Ms Shanti Abraham Panellists: - Dato' Dr Mohamed Hassan Haji Mohamed Ariff - Professor Dr Puteri Nemie binti Jahn Kassim - Dr Ahmad Fareed bin A Rahman
1655-1700	Closing Remarks & Adjourn	

Acknowledgement

The Organising Committee of Sarawak Medico-Legal Conference 2022 would like to thank the following for their supports and contributions:



Persatuan Kakitangan Anestesiologi
Hospital Umum Sarawak



Medico-Legal Society of Malaysia



Sarawak Convention Bureau



Medico-Legal Society of Singapore



Jabatan Kesihatan Negeri Sarawak



*All distinguished conference local and overseas faculty members
All participants and all who have helped in one way or another*