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Just Health Care?

VI Annual Swedish Symposium on Biomedicine, Ethics and Society

Sandhamn Hotell & Konferens, May 24-25, 2004

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Erosion of the trust in the health care system

A just health-care requires not only adequate state funding but also a sense of responsibility on the part of medical personnel in general and the doctors in particular. The patient, in a state of despair, submits to the knowledge and experience of the doctor, expecting proper care, which, in the wake of commercialization of medical profession, is diminishing. In order to ensure proper health care, the law has responded positively in re-evaluating the patient-doctor relationship. This changing paradigm of the patient-doctor relationship, which has widened the contours of a doctor's duty to his patient, constitutes the thrust of this paper.

The United Kingdom prefers medical paternalism, which is being largely followed in Malaysia, leaving much discretion to the doctor. In Australia and Canada patient autonomy has been preferred over medical paternalism.

The patient has the right to informed consent, based on the necessary information to be given by the doctor about the nature of his disease, the proposed treatment, alternatives available and the risks involved in undergoing or foregoing the proposed treatment.

The judicial activism in this regard has antagonized the medical profession. This has created a divide, ill-conceived though, between the two professions of medicine and law. It is submitted that medical men should admit failures in their clinical judgments. The judges also should realize that they are not qualified to meddle in all medical matters but should admit unbiased expert medical opinion, without bowing to absolute medical paternalism.



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