

## Medico-Legal Issues In Breast Imaging

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The most common cause of medical malpractice lawsuits filed against breast radiologists and physicians in most countries is allegations of a missed or delayed diagnosis of breast cancer.

Medical malpractice occurs when a hospital, doctor or any health care professional, through a negligent act or omission, provide treatment that falls below the accepted standard of practice and caused an injury or death to a patient. The negligence might be the result of errors in diagnosis, treatment, aftercare or health management.

Medical negligence is one type of tort law. Tort law is the body of laws that enables people to seek compensation for wrongs committed against them. To be considered malpractice under the law, the claim must prove there was a violation of the standard of professional conduct and that the negligence caused a negative legal outcome resulting in significant damages. The claimant must demonstrate the following elements:

- Duty: that the defendant owed the claimant a duty of care .
- Breach: that the defendant breached the duty of care.
- Injury: that the claimant suffered an injury.
- Causation: that the defendant's breach of duty caused the injury.

All major hospitals provide services in line with a common policy or Client Charter as patients have the right to professional treatment and fair service standards.

In Malaysia there is a Memorandum of Understanding dated 21st. August, 1995 which is between The Federation of Malaysian Consumers Associations, Malaysian Medical Association, Malaysian Dental Association and the Malaysian Pharmaceutical Society.

The parties hereto adopt this charter on patient's right and responsibilities and call upon its observance by all concerned. The Patient's Right include the right to health care and humane treatment, right choice of care and acceptable safety, right to adequate information consent, participation and representation, right to redress of grievances, right to health education and a healthy environment

The MSQH 3rd edition 2008 Hospital Accreditation, Patient and Family Rights state that "Healthcare facilities and services providers need to establish confidence, trust and clear communication with patients and to understand and protect each patient's cultural, psychosocial and spiritual beliefs/religion"

Knowledge of the common allegations or malpractice suit filed for failure to diagnose breast cancer can provide insight into the risk management and minimize errors in patient care. Medical professionals may obtain professional liability insurances to offset the risk and costs of lawsuits. To pursue a malpractice claim, the patient must show that the injury resulted in disability, loss of income, suffering, hardship, or significant medical bills.

Patients' rights, standards and regulations for medical malpractice vary by countries, often depending upon prevailing cultural and social norms. In comparison to the United Kingdom, United States and Australia, Malaysia is not experiencing a similar kind of "malpractice crisis", however there is certainly a rise in number of negligence claims and the indemnification payments resulting from jury verdicts or out-of-court settlements malpractice lawsuits. The severity of lawsuits arising will hopefully abate through better awareness and education

*The safety of the people must be the highest law*  
*Marcus Tullius Cicero*