



**SYMPOSIUM**

**Inter-Connectivity in the Era of Globalisation**

***Medico-Legal Implications of IT &  
Globalisation on Healthcare***

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# Information Technology

- Availability of technologies that facilitate medical management in terms of:
  - Creating new ways of capturing health information
  - Management and retrieval of data
  - Efficient transmission of requests and results
  - Communication with patients/Out of hospital monitoring

# Globalisation

- Delivery of healthcare across borders
- Global competition in healthcare (Medical Tourism)
- Utilization of foreign resources in healthcare delivery
- Globalisation & commercialization and the effects on resource allocation, access and inequality

# Factors related to Potential Medico-Legal Implications

- Information Technology
  - Rising expectations
  - Rising standards
    - Turnaround time
    - Accuracy and Quality
  - Growing reliance on IT → Consequences of IT failures
  - Security and Integrity of IT systems

# Potential Medico-Legal Problems

- “More information” → More onerous duty to be aware of data, history, current status and results
- Greater convenience of access to information → Fewer excuses not to know
- Risk of security lapses and potential breaches of confidentiality

# Factors related to Potential Medico-Legal Implications

- Globalisation
  - Changes in the treatment model, where participation in medical treatment may not involve single place and time
  - Cross border delivery of healthcare
  - Differences in standards, requirements and expectations in different countries, and as between local vs foreign healthcare professionals

# Potential Medico-Legal Problems

- Issues relating to standards of care and patient expectations
- Local laws and ethics
- Qualifications to practice
- Malpractice coverage for both institutions and doctors
- Litigation risks and Jurisdiction of Claims

# Different Expectations

- Example:
  - In the context of informed consent, even where the standard of care is judged in accordance with the practice in Singapore, the duty of care in relation to explanation of risks and complications may well be influenced by “idiosyncrasies” of the individual patient
- Meeting a patient’s need for information may therefore be more onerous

# Rising Expectations/Standards

- Unavoidable aspect of improvements in healthcare delivery and systems
- IT advancements need to be accompanied by built-in safeguards and alert systems
- Even when an IT function is not yet in place, it may sometimes be reasonable to expect it to be implemented, where there are obviously foreseeable patient safety factors involved

# Jurisdiction of Legal Claims

- Risk of being sued in a foreign jurisdiction
- Disputes over choice of law and jurisdiction: “Forum Shopping”/Conflict of Laws
- Consider the nexus to the proposed forum → Globalisation of healthcare may result in uncertainties in determining proper forum/ jurisdiction over claims
- Concerns whether MDO coverage and hospital malpractice insurance will apply

# Jurisdiction of the Legal Claim

- Effects on costs of litigation
- Even where malpractice insurance covers you for claims made in a foreign jurisdiction, this may still mean bigger claims and higher exposure
- It is one thing to be sued in Singapore by a foreign patient, it is another thing to be sued in a foreign jurisdiction by a foreign patient

# In Summary

- IT and Globalisation can and will lead to changes in standards and expectations in healthcare delivery
- Need to be sensitive to the potential medico-legal implications of modern medical practice, including those contributed by a medical practice that is increasingly becoming less “domestic”

A globe of Earth is positioned on the left side of the image, resting on a blue, textured surface that resembles water or a fine-grained material. The globe shows continents in brown and green and oceans in blue. A soft shadow is cast to the right of the globe. The background is a gradient of blue, darker at the bottom and lighter at the top.

**Thank You**

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