

# MOH conducting thorough review of informed consent



According to Senior Minister of State Edwin Tong, the Ministry of Health will set up a working group to "review the legal position, as well as the practical aspects of taking such consent - what it entails and what the standards are - with a view to providing appropriate guidance for doctors". ST PHOTO: GAVIN FOO

🕒 PUBLISHED MAR 3, 2019, 5:00 AM SGT

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It will study how much info doctors should give patients, and SMC's disciplinary process

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The Ministry of Health is conducting a thorough review of how much information doctors are required to tell patients before treatment, to help stave off the practice of defensive medicine, which could raise healthcare costs here.

A working group of 10 to 12 doctors, in both the public and private sectors, lawyers and laymen will carry out the review. It will look at the legal and practical aspects of informed consent, and is expected to give its recommendations by the year end.

This comes on the heels of a Singapore Medical Council (SMC) disciplinary tribunal decision to fine an orthopaedic surgeon the maximum \$100,000 for failing to inform a patient of possible complications from a common steroid injection, leading to an outcry from other doctors.

Yesterday, Senior Minister of State for Law and Health Edwin Tong stressed that a doctor has to make sure a patient knows what the treatment options are, and the benefits and material risks associated with those options.

"But if we are not clear on what comprises informed consent, or become worried about what that standard might be, and as a result start advising the patient of every little detail, relevant or irrelevant, this would lead ultimately to the practice of defensive medicine," he told 350 new doctors at an event where they took an oath to take care of their patients.

"This is neither in the interest of doctor nor patient. It would only increase the costs of healthcare and also compromise patient choice and safety. That is not what we want to see."

Even as he announced the review, Mr Tong again emphasised that patient safety would not be compromised. "Acting in the patient's best interests is non-negotiable and remains paramount."

## Guidelines for doctors

The Singapore Medical Council (SMC) provides outlines on informed consent in its Ethical Code and Ethical Guidelines, which were last reviewed in 2016.

In the guidelines, there are 20 recommendations to consider for various clinical situations in which doctors would need to obtain their patients' prior consent. They also state the necessary steps doctors must take to ensure patients understand and agree to such treatments, after having known and understood the benefits and risks involved.

These guidelines were expanded from the 2002 version, which addressed the issue in just one paragraph.

While the SMC has said it does not expect doctors to inform patients of all possible complications, doctors say there are still no clear rules on how much information qualifies as informed consent.

He also announced that the ministry will review the medical regulatory landscape that is overseen by the SMC. This will include how complaints and appeals are filed, the composition of the various complaints and disciplinary bodies, the issue of expert evidence and sentencing guidelines.

Mr Tong's remarks followed the unprecedented move less than two weeks ago by the ministry to get the SMC to apply to the High Court to review the judgment on orthopaedic surgeon Lim Lian Arn.

Most doctors who prescribe that steroid jab usually do not tell patients of the side effects, which are rare and transient. Doctors feared that the decision would set a precedent for the amount of information they would need to share with patients and lead to the practice of defensive medicine, and higher costs.

In a joint statement, the three medical professional boards here - the Academy of Medicine Singapore, the College of Family Physicians Singapore and the Singapore Medical Association (SMA) - said they welcomed the review on informed consent, which they hoped would "eliminate ambiguity in consent-taking standards".

"Defensive medicine is counter-productive and can be very expensive," they said, adding that the review is "timely and necessary for us to keep up with the relevant norms of medical practice".

Defensive medicine involves doctors taking steps to protect themselves from malpractice liability, such as putting the patient through unnecessary tests.

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SMA first vice-president Wong Tien Hua said he hoped the review would also take into account patients' feedback. "As doctors we may feel we are giving too much information, but patients might feel it's too little, so we need to hear both sides of the story," he said.

Dr Samandika Saparamadu, 32, who took the oath yesterday, hopes the committee will take in the views of junior doctors, as they carry out most of the work on a day-to-day basis. "The most crucial thing is to make sure that the ecosystem is built in such a way that we carry out our duties the right way, otherwise it will complicate patient care and satisfaction."

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