



The Complain Management Strategy In Dealing With Alleged Malpractice In Digital Era

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ABSTRACT

According to the data from Central Indonesian Doctors Association (IDI) Legal Aid Institute, in Indonesia there are approximately 210 cases of suspected malpractice. Medical accidents have caused real injury to the patients, health care system, and reduced trust between the patients and medical personnel. This study aims to identify the hospital strategies in dealing with patient complaints due to alleged malpractice in digital era. This study conducted the preparation of literature review with systematic technique in selecting and searching using international and national databases. Due to large number of complaints that come in, it is important for hospitals to create a complaint handling system by improving the complaint handling process by preparing professional resources in handling the complaints. The preventive efforts are also needed by increasing awareness about patient safety, implemented the service procedures in accordance with existing SOPs, and filling out the documents properly and correctly such as requesting a letter of approval for action by providing an explanation of procedures and prognosis of treatment.

Keywords: *malpractice, complain management strategy, digital era.*

INTRODUCTION

According to the data from Central Indonesian Doctors Association (IDI) Legal Aid Institute, in Indonesia there are approximately 210 cases of suspected malpractice (Putra, 2020). These allegations of malpractice can lead to claims for compensation that caused either due to medical risks or malpractice actions (Warnasouda, S.Y., Mufidi, M.F., Sukarya, 2019). Medical personnel commit an incorrect action, such as causing injury due to too much radiation, complications from surgical and non-surgical medical treatment and failure to correctly interpret the radiographic, cardiac and other errors in laboratory tests.

Medical malpractice happen when healthcare professionals was fail to provide standardized quality of care that caused the injury or harm to the patient. In legal observation, the issue of alleged malpractice often arises due to dissatisfaction with the health services that provided by health workers (Ginting, 2017). Generally, the main cause of the increase level of complaints from patients about malpractice is the high awareness of patients regarding their health, and their expectation to increase human health. Medical treatment that considered as failed to produce a profit, if it gets high demand of compensation from patient to hospital. Therefore the patient chooses legal way in solving the problem (Torald et al., 2015).

Malpractice should be decided as right or wrong by skilled and knowledgeable people in the incident. (Adejumo and Adejumo, 2020) The causes of mistake in patient treatment include several factors, one of which is communication. (Manias et al., 2019) it is indicate that communication problems caused for more than half of cases related to the human errors in handling patient complaints. Allegations of malpractice itself are not directly reported to the authorities, however malpractice acts are reported to the media by family. In a short decade, the media has reported a lot of cases regarding the doctors or hospital management being prosecuted under criminal or civil law by public as patient of medical services who feel they are victims of medical negligence or even malpractice (Sibarani, 2017).

When a malpractice lawsuit occurs, the hospital and all members of the medical team can be called as defendants. The health workers who are suspected of negligence in doing their profession, the negligence must be resolved through the mediation as stated in government regulations of 36 on health in 2009.

Retnowati, K., Natangsa Surbakti, S.H., Wardah Yuspin, (2018) in his research wrote about the malpractice case happened at Muhammadiyah hospital in 2010. The malpractice was not caused by the hospital, but with the pediatrician who treated the patient before being taken to the hospital. (Torald et al., 2015) in their research also states that the "media" gives the good news about the progress of medical science, but on the other hand they also give cruel criticism when the medical treatment does not have the desired effect, the media reports about legal proceedings that involve health care are often fraught with errors and have no scientific basis. This research was identified the complaint managements in various hospitals based on chosen articles to find out the way hospital management in handling with complaints from patients both offline or through social media.

This research has purposes to Identify the complaint management in dealing with alleged malpractice in digital era. Moreover, there are specific purposes such as Identify the hospital strategies in dealing with patient complaints, Identify the hospital strategies in dealing with complains in digital era and Identify the hospital strategies to avoid lawsuits due to alleged malpractice in digital era.

RESEARCH METHODOLOGY

Searching Techniques

This research conducted the preparation of literature review with systematic technique in selecting and searching using international and national databases. A literature search is a systematic and through search of all types of published literature in order to identify as many items as possible that are relevant to a particular topic (Bawden, 2000). The data sources were obtained from journals through the databases in journal search applications such as PubMed (<https://www.ncbi.nlm.nih.gov/pubmed/>), SAGE journals (<https://journals.sagepub.com/>), and Willey (<https://onlinelibrary.wiley.com/>).

This study aims to identify the hospital strategies in dealing with patient complaints due to alleged malpractice in digital era. The reviewed articles must require the following criteria, such as articles with all research designs, an article that containing the discussion of hospital's strategy in dealing with patient complaints due to alleged malpractice in digital era, written in English and used from 2015-2021.

The Articles are sorted according to keywords related to the research question. Furthermore, its suitability was analyzed within the inclusion criteria that have been mentioned above. Analysis of the articles obtained by looking at the suitability of theme, research questions and objectives in this study. Articles that have been analyzed are stored in a Zotero folder as an application to assist in writing bibliographies or references. Moreover, the relevant and appropriate articles are filtered, then the obtained articles obtained will be read in full to observe if the contents of articles meet the inclusion criteria and can be used in research or not. The research is assessed by reviewing the quality of articles according to the type of research in the article using assessment tools in JBI application of appraisal section.

RESULT AND DISCUSSION

Library Review Results

Patient Complaint

Patients are able to identify the problems that are not being addressed by management and offer the innovative ideas for hospital improvement. Patients have the right to lodge a complaint with the organization when they are dissatisfied with the care received, and health care organizations must respond to the complaint in a timely manner (Huque et al., 2021)

Alleged malpractice

Malpractice caused at least 43 million injuries a year that threatening the patient safety and healthcare services quality. In addition, malpractice makes the number of litigation abundant, the trend of increasing medical disputes has

become a serious problem in the work of medical institutions, and directly affects the social stability and the institutions development (YIN, T., LIU, Z., XU, 2019).

Digital Era

Digital era is the development of the information and communication technology world. In this era, technology is an object that plays an important role where computers and the internet create a virtual world that provide the communication, information and social media movements followed by netizens. There are 63 million people in Indonesia who use the internet, with the percentage in accessing social media as much as 95 percent. The issues in social media is give the contribution to the dynamics of creating a public image.

Strategies in Dealing with Patient Complaints

Patients who receiving health care has the right to complain about the dissatisfaction from the services they receive (Huque et al., 2021). The feedback from patients in online media is becoming a phenomenon, and most of them are positive feedback. However, the personal skills of medical staff in treating patients are often get several negative evaluation. Although there are actually more negative problems in the management sector, such as administrative processes that takes too long to process and long waiting times that being rarely discussed. The personal attacks on individuals are often become the problem (Turk et al., 2020).

Due to large number of complaints that come in, it is important for hospitals to create a complaint handling system by improving the complaint handling process by preparing professional resources in handling the complaints. These resources must have fast and spry competence in responding to patient complaints, neutral and not intimidate any party. As well as being a good communicator between hospitals and patients (Thi Thu Ha et al., 2015).

Strategies in Dealing with Hoax on Social Media

These reports to the media distort social norms negatively and affecting the health workers, as news reports typically focus on negative events in which patients are characterized as victims of medical malpractice. This is also done to attract the empathy from social media users (Cooper et al., 2019) provides the solution by creating a learning tool using animated videos about medical errors as a teaching material of medical undergraduate patient safety. Also, conducting the digital communication training and discussions on self-reflection to increase the awareness in providing health services and answering the existing problems in digital world properly to prevent the same problems in the future (Terry & Cain, 2016).

Strategies in Facing the Lawsuits from Patients

Huque et al (2021) discusses the three steps that can be taken when a patient makes a complaint, there are (1) collecting all the complaints (2) analyzing the collected complaints (3) resolving the complaints. (YIN, T., LIU, Z., XU, 2019) also describes the first three steps of settlement, from the consultation between doctors and patients where doctors and patients seek an agreement to resolve this complain peacefully. Then, the parties propose the mediation in public health administration; where the mediation is assisted by third party to reach the agreement on both sides, and last, bring a civil suit to court. In particular, the establishment of supervisory institutions and mediation with third parties and the prevention of doctor-patient disputes should be optimized.

The mistakes related to the attention of health professionals for health care providers are errors in operational procedures. Most are related to drug preparation/handling, wrong patient, wrong route, and wrong procedure. The importance of medical records is able to become a strategy in saving medical personnel who experience the lawsuits due to patients' complaints for the treatment they receive (Vaidotas et al., 2019).

Europe provides the privacy protections for mediation communications and immunity for mediators. In addition, the Supreme Court has established mediator certification qualifications, mediator professional behaviour standards, and mediator discipline, and the secure processes to the mediation process. These elements provide a strong infrastructure to promote the court-referred and pre-trial mediation. Based on the regulation, the mediation communications are confidential and only can be shared with other mediation participants or their proxies. In addition, the law stipulates that mediation communications are privileged and unacceptable in the court.

The mediation decision means that a process resolved by a decision of the institution without having to attend the court. This has the same effect as the final court decision on the part of the parties. The failure of mediation means there is no mutual agreement or not through the mediation in solving the case.

CONCLUSION

Based on the results and discussion of this research, the complaint management strategy on dealing with alleged malpractice in the digital era is carried out through several things include improving the communication between patients and the hospital. The strategies in dealing with patient complaints is by preparing professional resources to resolve patient complaints and provide the forum for patient complaints, then resolve the problems quickly and transparency. Moreover, there is a need for a curriculum to learn about the digital empathy development in order to respond the patient complaints on social media appropriately. The hospitals can also provide an online platform for criticism and suggestions directed to the hospital. Also, seek the mediation as a solution. The mediation can be conducted by finding a third party to solve problems that are considered fair for both parties. The establishment of supervisory institutions and mediation with third parties and the prevention of doctor-patient disputes should be optimized. Another way is to cooperate with the insurance company to cover the patient's claim for loss in the form of compensation when it is indicated that there is a mistake. The hospitals must

prepare the lawyers to deal with patient claims to the legal field due to alleged malpractice. Last, the preventive efforts are also needed by increasing awareness about patient safety, implemented the service procedures in accordance with existing SOPs, and filling out the documents properly and correctly such as requesting a letter of approval for action by providing an explanation of procedures and prognosis of treatment as well as filling out the complete medical records.

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