

Abstract

The study on the 'Guideline for Right Protection of the Patients and Health Care Providers' was a documentary research involving information gathering from 67 sources which were then categorized and analyzed in order to present the overall perspective of each topic. The objective of this study is to examine the characteristics, circumstances and issues related to the right protection of the health service providers and the patients, the mechanisms to correct the problems and/or damages arising from health services and the processes to ensure right protection of both the patients and providers.

The current trend in Thailand was that there were increasingly more tendencies for medical malpractice lawsuits. Also the establishment of the Basic Malpractice Compensation Fund for Patients was intended to be one of the processes to alleviate the effect of medical malpractice on the affected patients under the Universal Coverage Scheme. The process involves a subcommittee at the provincial level who will take into account the level of damages incurred, and the socioeconomic status of the victim. In order to reduce medical malpractice, the following 4 mechanisms have been introduced which are the mechanism for management of the development of system for medical service provision, the mechanism for the development of quality and standards for medical services, the mechanism for regional risk management and the mechanism for knowledge management and strategy mobilization. As for patients' and providers' right protection with regards to medical service provision, there are 5 main mechanisms which are: 1) Identification of problems and data gathering; 2) knowledge accumulation and the provision of this knowledge back to the target group; 3) the channel of access for right protection; 4) application for compensation; and 5) the enactment of new laws or development of policies regarding right protection.

From the study, the following recommendations can be proposed. Firstly, there should be an agency or work group which is responsible for the management and coordination aspects of right protection activities and act as an intermediary for the different parties in order to promote good understanding between them and facilitate the

conciliatory process. This agency should be easily accessible and consists of a variety of people representing different sectors including the providers, the patients, the community, the professional bodies, and experts from multiple disciplines such as law, social work, and psychology. Secondly, there should be a mechanism for paying compensation which is sustainable, financial feasible, manageable and able to extend to cover the whole population. Lastly, there should be sustainable development of guidelines for human resource capacity strengthening and encourage determination and the right attitude towards the issues of patients' right protection.