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# Legal Aspects of Emergency Medical Services Department of Wahidin Sudirohusodo Hospital, Makassar Indonesia

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## ABSTRACT

This study aimed to analyze the legal aspects of health services at the emergency unit of dr.Wahidin Sudirohusodo Hospital in Makassar, Indonesia. This type of research was a survey with descriptive design to obtain an overview of the competence of the hospital to provide health services, service without a down payment, the right to claim damages, refusal of medical action and the provision of information. The research was a quantitative research and supported by qualitative data. Samples were obtained by **accidental sampling** method.

The result of the research showed that the ability of health care conducted by the hospital showed: 98.6% of the respondents said enough, 1.4% said less. On the service without down payment: 97.3% of the respondents didn't pay the down payment (suitable with Article 32 of Health Act No.36 of 2009), whereas 2.7% pay the down payment. 86.5% of respondents said they would demand compensation of health workers in case of malpractice or long-life disability, 13.5% did not want to sue health care. The denial of medical treatment, 89.2% of respondents would deny that there was an agreement/consensus in medical intervention such as in article 56 of Health Act No.36 of 2009. 10.8% did not refuse medical treatment on provision of information. 97.3% of the respondents said enough information on the intervention for baby-delivery to the maternal mother/family of Article 56 of Medical Practice Act No. 29 of 2004.

It was suggested to the hospital in terms of facilities in Emergency Room to provide emergency room services section in accordance with Standard Operational Procedures (SOP) to avoid mistakes of action / services. The hospital should provide emergency room services in particular "quick emergency room" which would be accurate and responsive in delivering actions to the community. Health workers are expected to further enhance skills and excellent services to the patients without looking their categories and social status. It is expected that health workers would have graduated from emergency course.

**Keywords:** Legal aspects, health services, emergency services, hospital

## INTRODUCTION

In principle, health care is very important for the country as it involves the degree of livelihood of the people so that it shall be controlled by the state<sup>1</sup>. This is in line as stipulated in the Act of 1945 (*Undang-Undang Dasar 1945*), Article 28H paragraph 1, of the right to life and physical prosperous, residence, and obtain a good living environment and health, the right to obtain health services<sup>2</sup>. Health has even become the Universal Human Rights<sup>3-5</sup>. The Universal Declaration of Human Rights stated "... the highest attainable standard of health as a fundamental right of every human being". Every citizen

has the right to health including access to acceptable and affordable health care of appropriate quality<sup>5-9</sup>.

Hospital is one of the subsystems of health care that carries two types of services to the public, namely health care and administrative services<sup>10, 11</sup>. The health services include medical services, medical support services, medical rehabilitation and nursing services. These services are carried out through the emergency department, outpatient department and inpatient unit. Hospital initially only provide curative services oriented towards patients through hospitalization. However, the current hospital services then shifted due to the

advances of science, especially medical technology, income generation and education. Hospital services are currently not only curative but also be rehabilitative. Both are carried out in an integrated manner in health promotion and prevention efforts<sup>12</sup>.

Hospitals as service provider become the “crucible” for health personnel in carrying out their profession, such as doctors, dentists, pharmacists, nurses, midwives, nutritionists, physiotherapists, and experts of medical records. Each of these health workers has an ethical profession to be practiced by the members for providing services. Health workers should understand the ethics of their profession as a guideline to act and to avoid conflicts with patients as well as among health personnel.

Various problems of ethics and law still occur in hospitals for example, patients do not know their rights regarding health care should they gain, the patients do not know the Standard Operational Procedure (SOP) given by health workers, patients do not know what kind of action is given, patients do not know the cost of services provided. In principle, patients do not obtain the service information that should be obtained. Whereas Act No. 44 Year 2009 (Undang-Undang) on Hospital Article 32 on the rights of patients which contain for example: a patient obtains information regarding the rules and regulations, to obtain information about the rights and obligations of patients, to obtain quality of health services in accordance with professional standards and SOP, even patients can choose the doctor and nursing class in accordance with their willingness and regulations in force in the hospital, as well as to get the privacy and confidentiality of the illness, including medical data.

The consequence of ignorance of the patient’s rights as one of the legal aspects in health care, the health care providers can provide services to patients or actions that should not be done, the increasing burden of health costs that must be paid patients and even doctors could potentially for malpractice.

Several researches have been conducted in Indonesia relating to the rights and protection of patients. Siregar, Budhiartie<sup>13</sup> examined the protection of the law on the rights of patients in therapeutic transaction. This study emphasized that the transaction therapeutic is an engagement relationship between doctors and patients that have broad implications in the legal aspects. As

a legal relationship then the rights and obligations of the parties is an element that can not be separated from the concept of therapeutic transaction. In contrast to the engagement in general that have a similarity in position, the transaction therapeutic imbalance position of the parties is often the case for their knowledge and understanding of the engagement objects.

Gunnara<sup>14</sup> expressed the number of cases of “negligence or medical errors” and patients who have not obtained their rights in medical care is a crucial issue today. This study showed 1) The policy of medical services has been the protection of patients’ rights, 2) a policy of medical services has been set up “negligence or medical errors”, but not thoroughly, 3) medical personnel have not fully implement the policy of medical services, 4) efforts to protect the rights of patients in hospital has been implemented in accordance with the policies, 5) medical service policy has not been fully implemented so that policy objectives have not been achieved. “Gross negligence or medical errors” and the patient have not earned the right medical care.

Pradana<sup>15</sup> examined the factors that cause the occurrence of malpractice by doctors and determine the legal protection of victims of medical malpractice. Studies conducted in Polrestabes Makassar City (Police office) and Ibn Sina Hospital of Makassar indicates the cause of the malpractice caused by three factors: professional standards, Standard Operating Procedures (SOP) and negligence.

However, research on the legal aspects of health care in hospitals, especially in the emergency unit at the hospital has not been much discussed, let alone a hospital where the study was conducted is a referral hospital especially in eastern Indonesia. Of course, expectations for patient protection and fulfillment of the rights of health care are guaranteed.

The aim of this study is to examine the legal aspect of health services in dr. Wahidin Sudirohusodo Hospital of Makassar, Indonesia.

## MATERIALS AND METHODS

This research was conducted in Emergency Unit of General Hospital dr. Wahidin Sudirohusodo Makassar. This hospital is a central referral hospital, especially in Eastern Indonesia. This study was conducted in the emergency department because: the first action was

performed by the health worker, the interaction between the patient and the patient’s family with the doctor was more done in this unit compared to the treatment room, the approval of the medical action between the patient and the doctor was then carried out in this unit.

The type of this research is descriptive survey research. Sample of 74 patients was selected by accidental sampling. In-depth interviews were also conducted on the patient or patient’s family for further information. Data collection used questionnaire. Data were analyzed descriptive.

**RESULTS**

**Respondents characteristics**

The characteristics of respondents of this research describe age group (years) and education level as seen in Table 1. The number of respondents are almost scattered in all age groups with the average level of education is mostly high school.

**Table 1: Respondents characteristics**

Respondents characteristics	N =74	%
Age group		
10 – 19 years	14	18,92
20 – 29 years	10	13,51
30 – 39 years	11	14,86
40 – 49 years	15	20,27
50 - 59 years	15	20,27
> 59 years	9	12,16
Education level		
Elementary School	18	24,32
Junior High School	14	18,92
Senior High School	27	36,47
Diploma	3	4,05
Bachelor (Sarjana)	12	16,22

**Dimensions of legal aspects of health services**

These dimensions encompass competence of health personnel, services payment, right of medical treatment, and information as shown Table 2.

**Table 2: Distribution of respondents according to dimensions of legal aspects of health services**

No.	Dimensions	N =74	%
1	Competence of health personnel		
	Enough	73	98,6
	Less	1	1,4
2	Services		
	Without a Down Payment	72	97,3
	With a Down Payment	2	2,7
3	The right for compensation		
	Claim	64	86,5
	Unclaim	10	13,5
4	Refusal of medical treatment		
	Refuse the medical intervention	66	89,2
	Take the medical intervention	8	10,8
5	Giving information		
	Enough	72	97,3
	Less	2	2,7

Table 2 shows that respondents who expressed enough competence of health personnel in the emergency room were 73 people (98.6%), whereas respondents who stated less competence to perform health services were 1 person (1.4%). Mostly they expressed health services without a down payment (97.3%). Respondents stated that they will demand the right to claim for compensation (86.5%) and 13.5% didn’t claim for the compensation. furthermore, the table also shows that 89.2% respondents expressed to refuse medical treatment and 10.8% take the medical intervention. Around 97.3% respondents expressed that they have sufficient in the provision of information and 2.7% less information. This data shows that although this hospital is a referral centre for health services, the hospital still needs to improve the health service quality to meet the patients’ needs.

**DISCUSSION**

**The competence of the hospital to provide health service**

The competence of the hospital to provide health service refers to the availability of medical equipment, medical support, medicines, laboratory, pharmacy, doctors and nurses at the emergency room when the patients come the emergency room to find help so that it

can save their lives and to avoid disability.

Based on Permenkes No. 340/2010 on classification of hospital, article 6, paragraph 1; hospital class A should have four (4) basic specialist medical services, 5 (five) medical support specialist services, twelve (12) other specialist medical services, and 13 (thirteen) sub specialist medical service. To provide comprehensive health service and referral-system, to fulfill the need and the safety of the patient with high quality and affordable by all community.

There are three groups who directly involved in health services management i.e.,

health providers, such as doctors, nurses; consumers and, administrators (from the company, government and others). There are still other groups indirectly involve to determine the health services management i.e., community as a whole, or the families of patients. The special characteristic of the health care is that both health providers and consumers rarely consider the cost, as long as they can be cured. The health providers will always be urged to use their competence, technology and the latest medicine so that they will provide safety as a part of moral responsibility to cure a patient. The fact is also supported by the need of a consumer to get a better service, and the feeling of safety<sup>16</sup>.

#### **Service without a down payment**

Health Law No. 36 of 2009 has obligated the health care facilities to prioritize efforts to save the patient. In Article 32 paragraph (1) states that in the case of emergency, health care facilities, both public and private, is required to provide health services to save the lives of patients and the prevention of mental disability.

In law no 44 / 2009 on hospital, article 29 paragraph (1) letter f stated that the hospital should perform as a social function, such as providing health facilities to the poor patients, providing emergency room without down-payment, providing free ambulance, and providing service to the victim of disasters and any other extraordinary cases as well as social service for the humanity.

In the past, poor patients or the victims of war would be kindly-treated by doctors and nurses. They received medical services or treatment with free of charge. However,

#### **The right to claim compensation**

The law No. 36 of 2009 Article 58 paragraph (1) stated that every person is entitled to claim compensation if the health personnel or the health provider do the malpractice in the health care. Article 1365 of the Civil Code stated that any unlawful action and bring harm to others, then that person causing the loss should replace those losses.

One example was: a patient Sudirohusodo Wahidin Hospital reported a cardiologist to police. The cardiologist attached a ring to the patient's heart, but his heart was actually not in trouble. It was experienced by RS (42). He claimed that two paired-rings (stent) were installed at the heart blood vessels on April 30, 2010. The installation was as recommended by the AA which was a cardiologist at the Hospital Wahidin Sudirohusodo Makassar. Based on the example, the patient or the patient's family can sue the health workers for reimbursement of the treatment (the maximum penalty compensation costs, as well as send to prison (jail).

#### **Refusal of medical action**

The definition of the refusal of medical treatment happens due to no agreement of both parties between patients and doctors in making medical intervention, or the patients are children, the patients are insane, therefore they can't bear the responsibility based on the legal action.

#### **Provision of Information**

The information could be related to drug information<sup>17</sup>, operation action<sup>18</sup>. Providing information is not just responsibility of a doctor but also a nurse. Another problem also is that perhaps doctors or nurses provide information but misunderstandings with patients due to language problems. Some patients come from outside the city of Makassar, where some patients do not understand about the drug given

Health personnel should use language that is clear and true, and easily understood by the patient or the patient's family. If it is possible then the health workers should speak local language.

#### **CONCLUSION**

This study concludes that the legal aspects of health services such as competence of health personnel, health

services, right for compensation, refusal of medical treatment and right to information are enough at the emergency unit of dr. Wahidin Sudirohusodo Hospital in Makassar, Indonesia. Although some aspects still need to be strengthened such as those relating to information on drug indications.

It was suggested to the hospital in terms of facilities in Emergency Room to provide emergency room services section in accordance with Standard Operational Procedures (SOP) to avoid mistakes of action / services. The hospital should provide emergency room services in particular "quick emergency room" which would be accurate and responsive in delivering actions to the community. Health workers are expected to further enhance skills and excellent services to the patients without looking their categories and social status.

**Ethical Clearance-** Taken from ethical committee/ research letter from Institute of Health Science of Tamalate (STIK Tamalatea), Makassar Indonesia

**Source of Funding-** Self

**Conflict of Interest** – Nil

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