

**A LEGAL ANALYSIS OF PATIENT – PHYSICIAN CONFLICTS IN ACCESSING
MEDICAL RECORDS: A COMPARATIVE STUDY BETWEEN MALAYSIA AND THE
UNITED KINGDOM**

By

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The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

ABSTRACT

The project paper will legally analyse the conflicts between the patient and the physician in accessing the medical records in Malaysia and the United Kingdom. The research paper consists of five fundamental chapters.

Chapter One is Introduction, which will be divided into Research Background, Research Question, Research Objectives, Research Methodology, Scope of the Research, Limitation to the Research, and Significance of the Research.

Chapter Two is Literature Review. In this chapter, there are three different and important frameworks that are going to be discussed. They are conceptual framework, legal framework and theoretical framework. These three frameworks need to be discussed in order to analyse and highlight the problems that arise between the patient and the physician regarding the issue of accessibility of the medical record.

Chapter Three is Interviews. In this chapter, we provided our interviews with two significant respondents in order to be cognizant of their personal views and perspectives concerning the problems that arise between the patient and the physician regarding the issue of accessibility of the medical record. For the aim of the interviews, we prepared eight fundamental questions with respect to the issue in question for the respondents to be personally answered.

Chapter Four is Results & Findings. In this chapter, we are going to analyse and scrutinise the results and findings of previous two interviews with the two respondents on the issue of the problems that arise between the patient and the physician regarding the issue of accessibility of the medical record.

Finally, Chapter Five is Recommendations & Conclusions. In this chapter, we are going to provide several recommendations which we think may help to minimize the conflicts between the patients and the physicians in accessing the medical records, as well as the conclusions regarding the issues concerned.

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CHAPTER ONE: INTRODUCTION

1.1 Introduction

Nowadays, health professionals are regularly consulted and receive numerous requests from people who wish to view or obtain copies of their own health or medical records, or those of others. At one time, these requests come directly from the patients involved, and at other times, the requests may be from third parties, such as the solicitors or family members of the patients involved. For that reason, this critical legal research will be conducted particularly by focusing on the conflicts that arise between patients and physicians in accessing the medical records. Malaysia, currently, is silent on this controversial issue, as compared to the United Kingdom, which provides specific laws and regulations to govern the matter in question.

1.2 Chapter Outline

The bone of contention will be thoroughly scrutinised by dividing the research paper into five main chapters. Chapter 1 is Introduction, which will be divided into Research Background, Research Question, Research Objectives, Research Methodology, Scope of the Research, Limitation to the Research and Significance of the Research. Chapter 2 is Literature Review, which will be divided into Conceptual Framework, Legal Framework and Theoretical Framework. Chapter 3 is Interviews. Chapter 4 is Results & Findings. And finally Chapter 5: Recommendations & Conclusions. The research will analyse the conflicts between patient and physician in accessing medical records in Malaysia and the United Kingdom.

1.3 Research Background

Currently in Malaysia, it is normal for patients, in both, the public and the private sectors, who seek access to their own medical records, for whatever reasons, to have to deal with administrative predicaments that are disappointing, irritating and eventually, denied access to their records, resulting in some seeking remedy in the courts.¹

¹ *National Ethics Seminar: Access to Medical Records*. Performed by Milton Lum at Malacca Manipal Medical College, Malacca. October 27, 2002.