

**MEDICAL TOURISM: LAWS, POLICIES AND CHALLENGES IN  
MALAYSIA**

**By**

Hazally Jali (2005329988)

Radwan Indra Philiz B Hashim (2005329924)

Mohamad Yusof B Ismail (2005329837)

Nurria Anzara Bt Zainol Abidin (2005714620)

Submitted in Partial Fulfillment of the Requirements  
for the Bachelor in Legal Studies (Hons)

**Universiti Teknologi MARA  
Faculty Of Law**

**April 2010**

*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 works of others*

## **ACKNOWLEDGEMENTS**

**Alhamdulillah. First and foremost, our utmost gratitude to Allah (S W T), for his Mercy, has given us the strength, health and power to complete this dissertation.**

**This research project has been carried out by a team which included Hazally Jali, Radwan Indra Philiz B Hashim, Mohamad Yusof B Ismail and Nurria Anzara Bt Zainol.**

**We are also deeply indebted to our supervisor, Pn Nuraisyah Chua Abdullah for her patience, advice, comments and guidance through out the completion of this research.**

**Our special and greatest thanks to our wives, sons and daughters who have constantly showered us with love and helping us all the way to succeed in life.**

**Finally, we are thankful to those people who have given us moral support and helping us in completing this dissertation.**

## **Abstract**

The Malaysian government in its 9<sup>th</sup> Malaysian plan has identified medical tourism as potential new growth for the national economy. Presently, medical tourism depends on tort system to handle in cases of medical negligence. For a medical claim to succeed, the patient has to overcome the substantive law as well as the procedural elements embedded in the system where the entire process will take years. Medical Act 1971, Limitation Act 1953 (Act 254) and Reciprocal Enforcement of Judgments Act 1958 need to be analyzed in order to further enhanced the legal framework to assist medical tourism. Apart from that, the issue arises as to promotion of the medical tourism with the focus on in-bounds patients would deprive locals from best services from the medical fraternity and not to mention the affordable fees. Another aspect is whether health services in Malaysia can meet the demand of sufficient standard required by world class standard which requires accreditation with certification bodies especially with the promotion of Complimentary Alternative Medicine (CAM). Hence, the development of medical tourism should be addressed from all aspects to ensure the medical tourism would bring tremendous benefits to the country as well as to the foreign patients in terms services, facilities and legal protection.

## TABLE OF CONTENTS

	page
Acknowledgement	iv
Abstract	v
Table Of Contents	vi
References and List of Cases	ix
<b>CHAPTER ONE: INTRODUCTION</b>	
1.0 Introduction	1
1.1 Problem Statement	4
1.2 Objective Of Study	4
1.3 Literature Review	4
1.4 Methodology	9
1.5 Limitation	10
1.6 Significant Of Study	10
1.7 Provisional Plan Of Research	11
<b>CHAPTER 2: THE DEVELOPMENT OF MEDICAL TOURISM IN MALAYSIA</b>	
2.0 Introduction	12
2.1 Tourism Sector and Medical Tourism in Malaysia	12
2.2 Related acts on Medical Tourism	17
2.3 Malaysia as a hub for Medical Tourism	17
2.4 The future of medical tourism in Malaysia	18
2.4.1 Moving Forward	20
2.5 Conclusion	20
<b>CHAPTER 3: THE GENERAL HEALTH CARE SYSTEM IN MALAYSIA</b>	
3.0 Introduction	21
3.1 The Present Health Care Delivery System in Malaysia	21
3.2 Issue of Accessibility, Affordability and Equity in Malaysia Health Care System	22
3.2.1 Accessibility	22
3.2.2 Affordability	22
3.2.3 Equity	23
3.3 Medical Tourism: Its Advent and Importance To Malaysia Tourism Industry	25
3.3.1 Advent	25
3.4 In Search of Quality Health Care Services	27
3.5 Issues in Health Care Quality and Assessment	28
3.6 The Need For Accreditation	30
3.7 The Establishment of Malaysia Health Travel Council	31
3.8 Challenges and Current Issues	32

3.9	Government Policies and Medical Tourism	33
3.10	Issues of over service	34
3.11	Lack of universal access to medical services	34
3.12	Establish a strong primary care base for a health care system.	35
3.13	Shortage Of Doctors	35
3.14	Formation of 1Malaysia Clinics	37
3.15	Conclusion	38

#### **CHAPTER 4: THE MODERN MEDICINE AND ALTERNATIVE MEDICINE**

4.0	Introduction	39
4.1	Type Of Traditional Complimentary Medicine (TCM)	40
4.2	Traditional Medicine Versus Western Medicine In Relation To Medical Tourism	42
4.3	Cooperation Between Traditional And Modern	44
4.4	Introduction Of Policy	45
4.5	National Policy Of Traditional Medicine and Complimentary Medicine	46
4.6	Traditional Medicine and Globalization	49
4.7	Conclusion	50

#### **CHAPTER 5: MEDICAL NEGLIGENCE IN MEDICAL TOURISM IN MALAYSIA**

5.0	Introduction	52
5.1	Understanding Bolam Principle And Foo Fiona Cases as Basis Foundation For Negligence Claims in Medical Tourism.	53
5.2	Present Law And Regulations	57
5.3	Out Of Court Settlement	59
5.4	Medical Insurance	60
5.5	Moving Forward	62
5.6	Conclusion	67

#### **CHAPTER 6: CONCLUSION AND RECOMMENDATION**

Appendices	Nil	73
------------	-----	----

#### **REFERENCES**

##### **TABLE OF LEGISLATION MALAYSIA**

1. Private Healthcare Facilities and Services Act 1998
2. Malaysia, Medical Act 1971
3. Malaysia, Malaysian Tourism Board Act 1992