

# Prevention is better than cure for medicolegal matters

**Michael Wright**

**AS GENERAL PRACTITIONERS**, we are aware of the value of preventative care and the benefits of the early identification and treatment of clinical problems. The adage ‘prevention is better than cure’ also resonates strongly with medicolegal issues. In both the clinical and medicolegal spheres, failing to recognise or manage problems at an early stage is likely to lead to worse outcomes and increased costs.

Despite the simplicity and wisdom of this adage, applying it in the medicolegal context can be challenging. Fundamentally, the law is a set of rules that governs behaviour and is part of the framework within which we all practise. Australian laws and regulations touch on almost every facet of a consultation, whether it be writing a referral, prescribing medications or billing Medicare. Failure to comply with the law not only puts us at risk of legal action, but can also impact patient safety and lead to poorer health outcomes. Yet, for many doctors, the law can be confusing or even contradictory. Some doctors might be simply unaware that there is a law that applies to a situation. It is therefore not surprising that general practitioners (GPs) often feel frustrated or fearful of falling foul of the law.

It is important for GPs and indeed all doctors to keep up to date on legal developments that impact their practice. Equally, to be effective, the law must remain relevant and fit for purpose in the ever-evolving and changing healthcare landscape. The gradual introduction

of voluntary assisted dying laws across Australia and abortion laws before them reflect legal responses to changing community expectations and have allowed patients to legally access services previously regarded as criminal.

New technologies that impact the way doctors provide care are emerging every day. The introduction of telehealth has benefited millions of Australians by improving access to care. Future technologies such as artificial intelligence (AI) have the potential to improve efficiencies as well as health outcomes. But use of these technologies is not without risk, and to maximise their potential health benefits, it is important that they are developed within a robust regulatory framework.

When developing regulations, often a balance is needed between patient access to safe and high-quality care, regulator (or government) accountability for the money they invest in the public health system, and doctor confidence to make decisions within a clear framework. Where regulations are unclear, or open to interpretation, striking this balance makes the practice of medicine more difficult, less enjoyable and potentially more litigious.

In this issue of the *Australian Journal of General Practice*, we highlight some of the intricacies of the Australian health system and highlight benefits of clear medicolegal guidance, including avoiding and managing patient complaints,<sup>1</sup> pitfalls with consent and decision-making capacity<sup>2,3</sup> and also the potential impact of medicolegal issues on the health and wellbeing of doctors, as well as on patients.<sup>1,4</sup>

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