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## **The Complain Management Strategy in Dealing with Alleged Malpractice in Digital Era**

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### **ABSTRACT**

*According to the data from Central Indonesian Doctors Association (IDI) Legal Aid Institute, in Indonesia there are approximately 210 cases of suspected malpractice. Medical accidents have caused real injury to the patients, health care system, and reduced trust between the patients and medical personnel. This study aims to identify the hospital strategies in dealing with patient complaints due to alleged malpractice in digital era. This study conducted the preparation of literature review with systematic technique in selecting and searching using international and national databases. Due to large number of complaints that come in, it is important for hospitals to create a complaint handling system by improving the complaint handling process by preparing professional resources in handling the complaints. The preventive efforts are also needed by increasing awareness about patient safety, implemented the service procedures in accordance with existing SOPs, and filling out the documents properly and correctly such as requesting a letter of approval for action by providing an explanation of procedures and prognosis of treatment.*

**Keywords:** *Complain Management Strategy, Digital Era, Malpractice*

## INTRODUCTION

According to data from the Central Indonesian Doctors Association (IDI) Legal Aid Institute, there were approximately 210 suspected malpractice cases in Indonesia (Putra, 2020). These allegations often lead to claims for compensation, which may arise from medical risks or malpractice actions (Warnasouda et al., 2019). Examples of malpractice include injuries caused by excessive radiation, complications from medical treatments, and errors in interpreting diagnostic tests, such as radiographic or laboratory results.

Medical malpractice occurs when healthcare professionals fail to provide the standard quality of care, resulting in injury or harm to patients. Legally, malpractice claims often stem from patient dissatisfaction with the care provided (Ginting, 2017). The rise in complaints can be attributed to increased patient awareness of their health rights and higher expectations for medical outcomes. When patients perceive treatment as unsuccessful, they may seek compensation, sometimes opting for legal action (Toraldo et al., 2015).

Determining whether malpractice has occurred requires skilled and knowledgeable experts (Adejumo and Adejumo, 2020). One common factor leading to errors in patient care is poor communication, which accounts for more than half of cases involving human error in handling patient complaints (Manias et al., 2019). Allegations are often not reported directly to authorities but shared with the media by the patient's family. Over the past decade, numerous cases of doctors or hospitals being prosecuted for negligence have been reported in the media, often accompanied by incomplete or inaccurate information (Sibarani, 2017).

In malpractice lawsuits, hospitals and all involved medical personnel can be named as defendants. According to Government Regulation No. 36 of 2009 on Health, suspected negligence should be resolved through mediation. For example, Retnowati et al. (2018) discussed a malpractice case at Muhammadiyah Hospital in 2010. The malpractice was attributed not to the hospital but to a pediatrician treating the patient prior to hospitalization. Meanwhile, Toraldo et al. (2015) highlighted the dual role of media: while it celebrates medical advancements, it also harshly criticizes failures, often without scientific basis.

This research aims to identify how hospitals manage complaints related to alleged malpractice in the digital era. Specific objectives include understanding hospital strategies for addressing patient complaints, handling complaints in the digital era, and preventing lawsuits related to alleged malpractice. Insights from various hospital case studies were analyzed, focusing on both offline and online complaint management methods.

## RESEARCH METHODOLOGY

This research involved preparing a literature review using a systematic approach for selecting and searching relevant sources through both international and national databases. A literature search refers to a structured and thorough examination of various types of published materials to identify as many relevant items as possible on a specific topic (Bawden, 2000). Data sources were retrieved from journals accessed via platforms such as PubMed (<https://www.ncbi.nlm.nih.gov/pubmed/>), SAGE Journals (<https://journals.sagepub.com/>), and Wiley (<https://onlinelibrary.wiley.com/>).

The study aims to identify hospital strategies for managing patient complaints related to alleged malpractice in the digital era. The articles reviewed were required to meet specific criteria: they must include any research design, discuss hospital strategies for addressing patient complaints due to alleged malpractice in the digital era, be written in English, and have been published between 2015 and 2021.

The articles were selected based on keywords aligned with the research question. Their suitability was analyzed against the stated inclusion criteria. Articles were further assessed for their alignment with the study's themes, research questions, and objectives. Selected articles were organized into a Zotero folder to aid in bibliography and reference management.

Relevant articles were then filtered, and the selected materials were read thoroughly to determine whether their content met the inclusion criteria and could be used for this research. The quality of the articles was evaluated using specific assessment tools in the JBI application's appraisal section, tailored to the type of research in each article.

## RESULT AND DISCUSSION

### Library Review Results

#### Patient Complaint

Patients are able to identify the problems that are not being addressed by management and offer the innovative ideas for hospital improvement. Patients have the right to lodge a complaint with the organization when they are dissatisfied with the care received, and health care organizations must respond to the complaint in a timely manner (Huque et al., 2021).

#### Alleged Malpractice

Malpractice caused at least 43 million injuries a year that threatening the patient safety and healthcare services quality. In addition, malpractice makes the number of litigation abundant, the trend of increasing medical disputes has

become a serious problem in the work of medical institutions, and directly affects the social stability and the institutions development (YIN, T., LIU, Z., XU, 2019).

### **Digital Era**

Digital era is the development of the information and communication technology world. In this era, technology is an object that plays an important role where computers and the internet create a virtual world that provide the communication, information and social media movements followed by netizens. There are 63 million people in Indonesia who use the internet, with the percentage in accessing social media as much as 95 percent. The issues in social media is give the contribution to the dynamics of creating a public image.

### **Strategies in Dealing with Patient Complaints**

Patients who receiving health care has the right to complain about the dissatisfaction from the services they receive (Huque et al., 2021). The feedback from patients in online media is becoming a phenomenon, and most of them are positive feedback. However, the personal skills of medical staff in treating patients are often get several negative evaluation. Although there are actually more negative problems in the management sector, such as administrative processes that takes too long to process and long waiting times that being rarely discussed. The personal attacks on individuals are often become the problem (Turk et al., 2020).

Due to large number of complaints that come in, it is important for hospitals to create a complaint handling system by improving the complaint handling process by preparing professional resources in handling the complaints. These resources must have fast and spry competence in responding to patient complaints, neutral and not intimidate any party. As well as being a good communicator between hospitals and patients (Thi Thu Ha et al., 2015).

### **Strategies in Dealing with Hoax on Social Media**

These reports to the media distort social norms negatively and affecting the health workers, as news reports typically focus on negative events in which patients are characterized as victims of medical malpractice. This is also done to attract the empathy from social media users (Cooper et al., 2019) provides the solution by creating a learning tool using animated videos about medical errors as a teaching material of medical undergraduate patient safety. Also, conducting the digital communication training and discussions on self-reflection to increase the awareness in providing health services and answering the existing problems in digital world properly to prevent the same problems in the future (Terry & Cain, 2016).

### **Strategies in Facing the Lawsuits from Patients**

(Huque et al., 2021) discusses the three steps that can be taken when a patient makes a complaint, there are (1) collecting all the complaints (2) analyzing the collected complaints (3) resolving the complaints. (YIN, T., LIU, Z., XU, 2019) also describes the first three steps of settlement, from the consultation between doctors and patients where doctors and patients seek an agreement to resolve this complain peacefully. Then, the parties propose the mediation in public health administration; where the mediation is assisted by third party to reach the agreement on both sides, and last, bring a civil suit to court. In particular, the establishment of supervisory institutions and mediation with third parties and the prevention of doctor-patient disputes should be optimized.

The mistakes related to the attention of health professionals for health care providers are errors in operational procedures. Most are related to drug preparation/handling, wrong patient, wrong route, and wrong procedure. The importance of medical records is able to become a strategy in saving medical personnel who experience the lawsuits due to patients' complaints for the treatment they receive (Vaidotas et al., 2019).

Europe provides the privacy protections for mediation communications and immunity for mediators. In addition, the Supreme Court has established mediator certification qualifications, mediator professional behaviour standards, and mediator discipline, and the secure processes to the mediation process. These elements provide a strong infrastructure to promote the court-referred and pre-trial mediation. Based on the regulation, the mediation communications are confidential and only can be shared with other mediation participants or their proxies. In addition, the law stipulates that mediation communications are privileged and unacceptable in the court.

The mediation decision means that a process resolved by a decision of the institution without having to attend the court. This has the same effect as the final court decision on the part of the parties. The failure of mediation means there is no mutual agreement or not through the mediation in solving the case.

## **CONCLUSION**

Based on the results and discussion of this research, the complaint management strategy on dealing with alleged malpractice in the digital era is carried out through several things include improving the communication between patients and the hospital. The strategies in dealing with patient complaints is by preparing professional resources to resolve patient complaints and provide the forum for patient complaints, then resolve the problems quickly and transparency. Moreover, there is a need for a curriculum to learn about the digital empathy development in order to respond the patient complaints on social mediaappropriately. The hospitals can also provide an online platform for

criticism and suggestions directed to the hospital. Also, seek the mediation as a solution. The mediation can be conducted by finding a third party to solve problems that are considered fair for both parties. The establishment of supervisory institutions and mediation with third parties and the prevention of doctor-patient disputes should be optimized. Another way is to cooperate with the insurance company to cover the patient's claim for loss in the form of compensation when it is indicated that there is a mistake. The hospitals must prepare the lawyers to deal with patient claims to the legal field due to alleged malpractice. Last, the preventive efforts are also needed by increasing awareness about patient safety, implemented the service procedures in accordance with existing SOPs, and filling out the documents properly and correctly such as requesting a letter of approval for action by providing an explanation of procedures and prognosis of treatment as well as filling out the complete medical records.

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