

THEMATIC TITLE	MEDIATION OF MEDICAL DISPUTES : A COMPARATIVE STUDY BETWEEN THAILAND AND JAPAN
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ABSTRACT

This thematic paper is aimed at studying of guidelines on the meditation of medical disputes, a comparative study between Thailand and Japan. Because of those who have accessed the medical services are high expecting to receive the best treatment from the healthcare provider and also a very high cost. Because of this high expectation if the patient cannot be completely cured and the problem on the communication misunderstanding between the patients and the healthcare provider due to the advance medical treatment technology resulting in the disputes between the patient and the healthcare provider.

From the study, it found that when the medical disputes occurred, the process for the dispute settlement can only be performed by the court with the final judgment jurisdiction is which at the present the medical disputes are having tendency to be increased more and more, since everybody can equally reach the medical treatment. According to the court procedure to terminate the cases may have caused more burden in hearing of any cases and the case proceedings have to spend large amount of money and it is the time consumption. These are the reasons that may have caused the issues over criminalization since there are more chances for the healthcare provider to be prosecuted in the criminal cases, either in the case of intentional killing or inflicting a grievous bodily harm or injury body or mind to other person and if the mediation of medical disputes is the

model of communication and dispute settlement before a case may be entered in a court for adjudication, over criminalization will be decreased.

With such reasons, medical mediation not only facilitates dialogue in dispute between patients / families and healthcare provider but also offers versatility. The medical mediation offers a considerable number of suggestions ranging from a cognition and information sharing support model to informed consent. Organization should establish a medical mediation system that not only places specialized medical mediator but also disseminates this perspective to all hospital staff members, to improve overall communication with patients because the medical disputes contain the delicate details that have great effect to the emotional and the spirit of patients / families.