

THESIS TITLE	PHYSICIAN LIABILITY PROBLEMS IN MEDICAL CASE
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STUDENT	WANICHA SUKMAITREE
THESIS ADVISOR	DR. SIWAPORN SAOWAKON
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FACULTY	SCHOOL OF LAW SRIPATUM UNIVERSITY
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ABSTRACT

This thesis aims to study the physician liability problems in medical case. The Consumer Case Procedure Act B.E. 2551 specifies that in consumer case litigation, the plaintiff can sue verbally or in written document. In case that the plaintiff intends to sue verbally, the case affairs officer is required to record the arraignment and the plaintiff affixes his signature. However, the problems on enforcement lead unfairness among the physician which is considered an important person in providing the patient's treatment.

The results were shown as follows: (1) In case of the burden problems in medical case, Section 4 of the Consumer Case Procedure Act B.E. 2551 specifies the case affairs officer's duty in fact collection and evidence hearing consideration shall enable the court to better understand issues of fact. This leads the court to play more proactive roles. Moreover, the case affairs officer also plays a key role in providing advice and recording the oral arraignment which the law requires to push forward and assist the consumers to prosecute the case by themselves.; (2) In case of the prescription of prosecution, Section 14 of the Consumer Case Procedure Act B.E. 2551 has filled the gap by specifying if there is the mediation on damages between business operators or consumers, it is considered as the interruption of prescription during any of the parties to revoke the negotiation on the basis that "if there is a negotiation on punitive damage between business operators and consumers or the person in authority to prosecute a case for the consumer, the prescription shall be interrupted during that time until one of the parties revokes the negotiation. In this case, the law shall provide a great consumer protection but it does not protect the physician who is the clinic owner as much as it should be. This leads the physicians unable to fully perform

their duty because they are afraid of law and guilt. ; (3) In establishing the fund to provide assistance in medical case, if considering damages in medical case, it can be seen that one of the important things during the time of damages until the judicial process judgment is that both parties have suffered from damages. Therefore, to establish the fund for medical case protection by specifying as an agency to provide protection and assistance in medical case is considered very significant to act as the fund for primarily relieving damage and determining forms of the fund to clearly understand duties and responsibilities specified by laws in protecting the consumers.

Therefore, the researcher would like to propose the guidelines of legal problem resolution by making amendments of the Consumer Case Procedure Act B.E. 2551 related to medical service case in the medical case burden, prescription of prosecution, and establishing the fund to provide assistance in medical case.