

Awareness of Medico-Legal Issues among Medical College Health Professionals

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Abstract

Introduction: Medicine, a noble profession, aims at providing healthcare service to the people. But today medical practice is much beyond the concept of service. It deals with legal issues and it is necessary for doctors to know about the various medico-legal aspects of their practice. A doctor is solely responsible for the patient who comes to him for treatment. A patient has all rights to sue the doctor if the treatment and care provided is not satisfactory. Assessment of awareness about medico-legal issues and related aspects among the health professional population thus becomes necessary.

Methodology: A cross sectional study was conducted using a self administered questionnaire with clinical scenario based questions. Responses were tabulated and analyzed.

Result: Most of the doctors are aware about various medico-legal issues and precautions to be followed to prevent getting involved in such situations. Doctors have knowledge about informed consent, record keeping, confidentiality etc.

Conclusion: Medical practitioners are well aware about the consequences they will have to face if treatment and care provision becomes faulty. They also have knowledge about the steps to be followed in order to protect themselves from getting involved in such situations. There is a need to spread awareness about medico-legal issues to further raise the quality of the service they provide.

Keywords: *Medico-legal cases, Informed consent, Confidentiality, Record keeping.*

Introduction

Medicine is a noble profession. It is considered as a pious profession all over the world. Its sole objective is improvement of quality of life and mitigation of sickness and suffering. It is not a mathematical process but a service oriented liberal profession having a self regulating code of ethics. The relationship between doctor and patient is based on hope and confidence ⁽¹⁾.

With commercialization spreading to all aspects, medical profession and services rendered are also

affected. There is growing anxiety both within the medical profession and in the society regarding increasing trends of complaints and law suits against physicians ⁽²⁾. It is necessary that doctors be aware of the legal aspects linked or associated to their profession and take the needful measures to protect themselves and their patients from legal traps. Knowledge of medico-legal issues is as fundamental to practice of medicine as clinical skills.

Today, with the development of internet and other media, patients are much aware about their condition and treatment to be taken. Practicing medicine in the present times is not an easy task. A doctor is solely responsible for each and every step he takes in providing care and treatment to his patients.

Hence a doctor must be aware of the consequences he or she might have to face if something goes wrong in patient care. A doctor must know about the precautions

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to be taken when involved in a medico-legal issue.

MLC or medico-legal cases are an integral part of medical practice that is frequently encountered by medical officers. The occurrence of MLCs is on the increase, both in Civil as well as Armed Forces. Proper handling and documentation of these cases is very important to avoid legal complications⁽³⁾. Law suits for medico-legal issues can be minimized or avoided by taking steps to keep patients satisfied, adhering to policies and procedures, developing patient centre care and knowing ways of defending against malpractice judgments. Having comprehensive professional liability, insurance is a necessity in the present day litigious society⁽⁴⁾.

This study focuses on medico-legal issues and aspects in daily clinical practice. Doctors face a lot of situations involving medico-legal issues in their daily practice⁽⁵⁾. It is necessary to have knowledge about these medico-legal aspects. Assessment of awareness about medico-legal issues and related aspects among the health professional population thus becomes useful. This study aims at analyzing and assessing the awareness of medico-legal issues among doctors.

Methodology

A cross sectional study was conducted using a self structured questionnaire with 20 questions that was distributed among 100 doctors of Saveetha Medical College. Each question was a clinical scenario with a medico-legal aspect. Questions about informed consent, patient confidentiality, important acts like MTP ACT, medico-legal cases, record keeping etc. were included in the survey. Response to each situation was recorded and analyzed.

Doctors willing to participate in the study were given the structured questionnaire after receiving written informed consent form. Out of the 100 doctors surveyed, 54 were men and the other 46 were women. The questions were of multiple choice type and participants had to tick the right option for each question. None of the participants left any questions unanswered. The response rate was 100%. All participant details were kept confidential and then analysis was done using SPS software. Response to each question was tabulated, analyzed and percentage for the same was also calculated.

Result

Most of them believed the purpose of informed

consent was to protect both doctor and the patient while actually its main purpose was to protect the patient. 90% of the population were aware of the importance of informed consent (Fig: 1). They also take consent forms for various treatment procedures explaining to the patient about details, pros, cons and other treatment options available.

Regarding record keeping, 69% responded to maintaining records of MLC till the case is judged and 20% believed it to be 3 years (Fig: 2). 48% of the population feel that records of patients are their legal property while 37% don't so and the remaining 15% have no clear idea about this. In India it is a very common practice that the patient keeps all the records with him or her. In Government offered health services the records are with the respective hospitals, only the treatment summary is given to the patient during discharge or if need arises. In most of the corporate setups the patient's records are with the hospital and only copies in the form of treatment summary or photocopies of entire case file are given to the patient⁽⁶⁾.

Among the doctors who were a part of this study, 95% feel it is wrong to reveal the sex of the fetus during scanning. Still, 5% are not aware that it is unethical and a criminal offence to reveal the fetus gender. 74% have the knowledge about the period up to which MTP can be performed while some doctors are still not sure (Fig:3).

A good proportion, 91%, know that they are obliged to treat any patient coming to them for help and care, at least provide first aid with the facilities available. A majority support to the fact that there is a necessity of informing the police about medico-legal cases like suicidal attempt, road traffic accidents etc. (Fig: 4). They stick on to their duty of providing service, care and treatment even if the patient behaves violently.

Keeping the patient details confidential signifies the strength of doctor-patient relationship. Most of the doctors believed that revealing patient's personal details with regard to illness is wrong. But there are situations where details with regard to the patient can be disclosed among the members of the treating team.

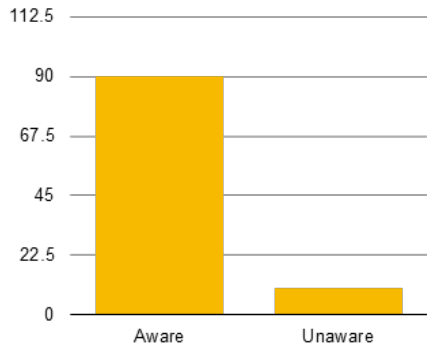
Question: The main purpose of consent form is to...

A: Protect doctor

B: Protect patient

C: Both

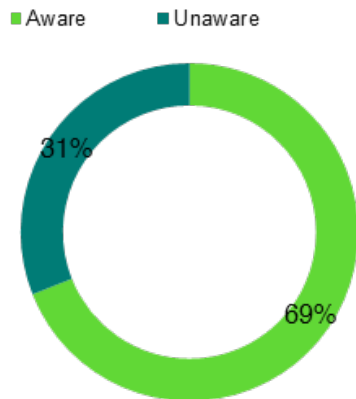
C: Not sure



(Fig: 1) Awareness about informed consent

Question: How long do you have to keep the records of a patient if it is a medico-legal case?

- A: 2 years
- B: 3 years
- C: 5 years
- D: Till the case is judged



(Fig: 2) Awareness regarding record keeping

Question: The MTP act, 1971 permits termination of pregnancy for a broad range of conditions upto

- A: 22 wks of gestation
- B: 20 wks of gestation
- C: 25 wks of gestation
- D: 18 wks of gestation

Question: A case of suicidal poisoning comes to Emergency Department. Patient insists he doesn't want a MLC. What will you do?

- A: Agree to patient's request
- B: Disagree to patient's request

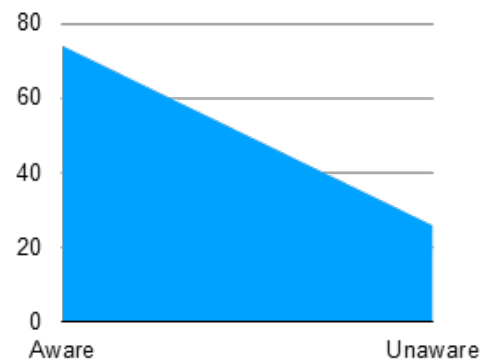
Discussion

The success of the health system depends on the medical personnel equipped with requisite knowledge, skills and attitudes towards patient rights (7, 8). This study was an attempt to investigate and assess the awareness of medico-legal issues among health care professionals of Saveetha Medical College, Chennai. The participants of this study included both doctors working in the clinical and non-clinical departments of the college.

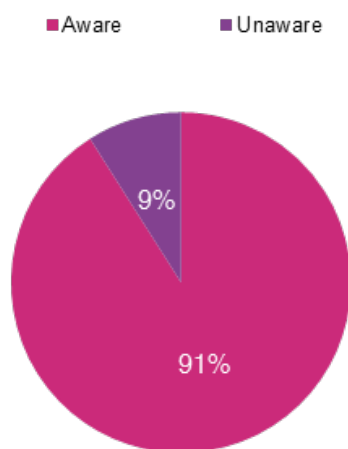
Most of them were aware about the legal aspects of their practice.

Informed consent is a process for getting permission before conducting a healthcare intervention on a person (9). Consent signifies acceptance by a person of the consequences and complications of an act that is being carried out. Informed consent form aims at providing information to the patient about the procedure and consequences going to be performed on him or her (10). The main purpose of the consent form is to protect the patient. Consent is necessary for every medical examination and procedure (11).

Usually written consent is not taken for routine examination. But expressed consent is required for any procedure. In a study conducted in a medical college in Vadodara to assess knowledge and awareness of medical law and ethics among interns and residents, it was found that almost 90% of the respondents were aware of informed consent and 61% regarded informed consent with reasonable physician standard model as their choice (12). This study also has a similar result whereby 90% are aware about informed consent.



(Fig: 3) Awareness about MTP Act



(Fig: 4) Awareness about cases requiring police intimation

Written records, which include medical history, chart notes, radiographs, and photographs, must be meticulous, and it is necessary for the documents to be signed and dated. Legally, physician written records carry more weight than patient's recollections ⁽¹³⁾. Regarding record keeping and maintenance almost 70% believed that records of medico-legal cases must be maintained till the judgment of the case. But these results vary slightly from the study on medico-legal awareness amongst health professionals in Sudan where 94.5% agreed that hospitals must maintain records until the case is judged.

It is difficult to decide if to treat a patient behaving violently. Article 21 of the constitution guarantees protection of life and liberty to all citizens. Every individual has the right to life which includes right to healthcare and medical assistance. There is still confusion among doctors to decide if to provide treatment to violently behaving patients. Majority of the doctors agree to provide treatment to such people. The healthcare worker should take reasonably practicable steps to maintain a safe environment for patients and staffs. This helps in providing better patient care. If violence or aggression cannot be controlled so as to provide a safe working environment, the health service's duty to staff takes precedence over its duty of care of patients.

Health care services and professionals must work together to develop strategies to prevent and manage the risk of occupational violence ⁽¹⁴⁾. When compared to a study conducted to assess awareness and knowledge about medico-legal issues in a medical college in Vadodara, where more than half the respondents (55%) said that treatment should not be refused if the patient behaves

violently, the response in this study differed by 78% of the population agreeing to treat the patient despite his violent behaviour.

According to Section 357 C Cr.P.C., all hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376B, 376C, 376D or section 376E of the Indian Penal Code, and shall immediately inform the police of such incident. Thus a doctor has no right to deny treatment to any person who comes to him for treatment, be it a criminal, victim or an ordinary man ⁽¹⁵⁾.

Medical practice is a service and not accepting to help one in need of treatment and care is a criminal offence. When facilities at a clinic or a healthcare centre are not sufficient to provide complete care or treatment, a doctor can refer to nearby hospitals with sufficient facilities. This does not give him rights refuse first aid to an emergency case like road traffic accident with head injury. Necessary first aid should be provided and then only can he refer or shift the patient to a hospital with better facilities needed to sustain the patient's life.

Confidentiality is an implied term of contract between the doctor and his patient ⁽¹⁶⁾. The doctor is obliged to keep secret, everything he comes to know concerning the patient in the course of his professional work. There are situations where doctors of a treating team must know all details about the patient even if it is about HIV or Hepatitis ⁽¹⁷⁾. If an HIV positive patient approaches for treatment involving a surgery, then the doctor can inform his colleagues about it if they are a part of the treating team. Confidentiality regarding the patient is maintained within the treating team. A study conducted in Ghana reveals that there is no consensus among health care workers on confidentiality matters regarding management of HIV ⁽¹⁸⁾. There is a variation in this study where majority (91%) agrees to maintain confidentiality regarding matters like HIV and its treatment.

Conclusion

In general the doctor population of Saveetha Medical College is well aware of various medico-legal issues and its aspects in daily life practice. They do have knowledge and idea about various medico-legal issues and how to face them. They do have a general idea of

how to approach medico-legal cases and knowledge about the things they should follow in order to protect themselves from such issues and continue a successful career. Doctors must follow the guidelines provided in their practice. This will help them have a trouble free and a peaceful time while working. Guidance and awareness is necessary among health professionals to raise the quality of service they provide and also to protect themselves from the troubles and difficulties they might face in their practice.

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