Study on Awareness Towards the Different Medico Legal Terms among the Doctors in A City in Dakshina Kannada District in India

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Abstract

Background

Medical profession is the noblest profession [1]. In recent era, there has been an increase in the medico legal cases and hence it is important for doctors to have a clear idea of different medico legal terms and legal aspects of practice of medicine. Knowledge of forensic medicine is important when the doctor has to give evidence in a court of law. Every doctor is required to have a basic knowledge about medico legal cases and legal provisions. In India, many a times, autopsies are conducted by medical officer in government service without forensic specialization. No matter what is the level of specialization, knowledge of basic forensic working terminology broadens perspectives in practice. The aim of this study is to assess the knowledge of doctors in a city in Dakshina Kannada district about the different medico legal terms. For this a questionnaire was developed. 103 doctors from different areas of Mangalore were assessed on the basis of the questionnaire. This study was undertaken to know whether there is a need for conducting planning and training program related to legal medicine.

Results

The response to questions pertaining to knowledge on the medical ethics, professional misconduct, treatment of patient in emergency were rightly answered by a high percentage of participants whereas their awareness in areas like privileged communication, warning notice, Declaration of Geneva, functions of Indian Medical Council, Medical Jurisprudence was found lacking.

Conclusion

The doctors included in the study were reasonably aware towards medical ethics, professional misconduct, and treatment of patient in emergency. The doctors also agreed that there is need for planning and conducting training program related to legal medicine.

Keywords

Awareness; Medico Legal Terms; Doctors

Introduction

In recent era, due to the increase in medico legal cases, it is important for doctors to have a clear idea of different medico-legal terms and legal aspects of practice of medicine. Knowledge of forensic medicine is also important when the doctor has to give evidence in a court of law [1].

Article 21 of the constitution guarantees protection of life and liberty to every citizens as well as non-citizens.
Every individual has a right to healthcare and medical assistance. The state has a constitutional obligation to provide health facilities. A patient’s right to life requires a government and other hospital to provide timely medical treatment to the patient [2].

Medical profession is considered as the most pious profession all over the world. A doctor is placed second only to God [3]. But due to cases of medical negligence the doctor patient relationship has deteriorated considerably. Doctors should be clear about whether to undertake a case, what treatment to give and monitor the treatment. Also it is important for doctors to have an adequate level of medico legal knowledge [4].

Due to the introduction of sophisticated tests, the importance of taking a detailed history and physical examination is ignored among doctors [5]. Communication is very important to build up the patient’s trust. Patients are well aware of their rights recently because of the easy access to medico legal journals and the advancement of internet [5]. An adequate level of medico legal knowledge is important for doctors also so that they exercise utmost care while delivering quality healthcare.

The medical management of patients with disorders of consciousness such as comatose, vegetative and minimally conscious states may involve many medico legal issues like negligence and hence managing these patients need to be done in an ethical manner [6]. In cases of medical negligence the claimant is supposed to demonstrate a direct causative link between the failure of duty of care and the harm that they have suffered [8]. All these circumstances make it important for the medical practitioner to have sufficient knowledge regarding medico legal terms and their practices.

**Material and Method**

The awareness of doctors of different areas of a city in Dakshina Kannada towards different medicolegal terms is assessed on the basis of a questionnaire. A questionnaire containing twelve questions related to different medicolegal terms and acts and one question related to planning and conducting training program was developed for this purpose. The questionnaire was validated. The questionnaire was distributed among doctors in different areas of a city in Dakshina Kannada. A convenient sample size of 105 was taken for the study. Source of data was doctors working and studying for post graduation in various institutions in a city in Dakshina Kannada.

**Inclusion Criteria**

Doctors with registered Medical qualification and at least 3 years of practice were only included in this study.

**Exclusion Criteria**

Medical students who were doing internship and non practising doctors were excluded.

**Results**

Among the participants who answered the questionnaire 62 were males and 41 were females. The participants had on an average 4 to 6 years of practise after completing MBBS.

Question regarding medical jurisprudence was answered correctly by almost half of the participants. Question on medical ethics was answered correctly by 85.4% of the respondents. Question dealing with functions of Indian Medical Council was rightly answered by only 19.4% of doctors and was unanswered by 3 participants. Question about Declaration of Geneva got 43.7% right answers and was unanswered by 8 doctors who participated in the study. The question dealing with Serious Professional Misconduct got 85.4% right answers and was left unanswered by only 2 participants. Question pertaining to Warning Notice received only 36.9% right answers. The question about the duties of medical practitioners was rightly answered by 63.1% study population and was unanswered by 3 of them. Question on Privileged Communication was correctly answered by only 41.7% of respondents and was left unanswered by 7 of them. Question dealing with types of Professional Negligence received only 38.8% right responses and 5 of the participants left it unanswered. Question about Products liability received a correct response of 41.7% and 5 participants did not answer it. Question concerning Medical Negligence was responded correctly by 48.6% of participants and was left unanswered by 2 respondents. The last question about treatment of a patient in emergency had 72.8% correct responses and was not answered by 3 of the participating doctors.

Question concerning the opinion of participants about the need for planning and conducting training programme received 92.2% positive responses.

The response to questions pertaining to knowledge on the medical ethics, professional misconduct, treatment of patient in emergency were rightly answered by a high percentage of participants whereas knowledge in certain
other areas like privileged communication, warning notice, Declaration of Geneva, functions of Indian Medical Council, Medical Jurisprudence was found lacking in almost half of the participants.

From the graph given above showing the magnitude of correct and wrong responses for each question in the questionnaire, it was found that most of the doctors in a city in Dakshina Kannada included in the study were quite aware of the facts on medical ethics, professional misconduct and treatment of patient in emergency. But their knowledge about Privileged Communication, Warning Notice, Declaration of Geneva, functions of Indian Medical Council and Medical Jurisprudence were poor. Some of the doctors who took part in the study opined that it would familiarize them with medico-legal terms and procedures and also make them aware of the changing laws of the country in practice. The participants also gave the suggestion that they need training for issuing of certificates and conducting postmortem examination. It can be understood from the below given pie-chart that majority of doctors in the study agreed that there is need for further refreshing and updating their knowledge with regard to medico legal practices.
Questions related to knowledge on the medical ethics, professional misconduct, treatment of patient in emergency were rightly answered by a large number of doctors whereas only 38.8% of participants answered the question on Professional Negligence correctly. And the questions on Medical Jurisprudence, functions of Indian Medical Council, Declaration of Geneva, Warning Notice, Privileged Communication, Products liability, Medical Negligence also received a low score among the subjects. 92.2% of doctors included in the study were in favour of planning and conducting training programme related to legal aspects of practice of medicine.

Overall, there were 648 correct responses, 546 wrong responses and 42 unanswered.

Discussion

In the study done by Chavda KL and et al on the awareness towards different medico legal terms among the doctors in different areas of Gujarat it was found that 100% of the doctors were aware about the term of Forensic Medicine and Medical Ethics and also 100% of doctors know the exact meaning of Forensic Medicine. Significant numbers of doctors were aware of the term medical jurisprudence and medical jurisprudence. 100% doctors were aware of Indian Medical Council and State Medical Council. Also, most of the doctors were also aware about the Declaration of Geneva, serious professional misconduct, warning notice, privileged communication, doctrine of res ipsa loquitur, vicarious liability and euthanasia [1].

In another study of medico legal case management in tertiary care hospital, documentation and various other medico legal issues were studied in detail [2]. Also it is important to estimate the awareness of doctors towards different medico legal terms which is done in this present study. The present study can form the basis of further sensitisation programme for attitudes, since mere knowledge about terms does not translate into attitude changes.

The legal awareness of people providing medical care was questioned in Poland which is similar to our present study [3]. In the cross sectional study regarding knowledge among medical law and its negligence among doctors a self structured questionnaire was developed to assess the awareness of Consumer Protection Act (CPA), 1986 and whether these professionals were following the medico legal aspects [4]. The knowledge of medico legal terms which is done in our present study is also a step towards knowing whether the professionals are following the medico legal aspects.

In order to avoid cases of negligence it is important to take a detailed history and do a thorough physical examination in patient care which was stressed upon in the article “Hospitalised patient’s awareness of their rights: a cross sectional survey from a tertiary care hospital on the east coast of Peninsular Malaysia.” Due to the rising cost of healthcare, increased patient awareness and medico legal issues, doctors are now more accountable to the public than ever before [5]. So it is important that doctors are aware of all the medico legal terms.
In the article “Ethics in disorders of consciousness,” the ethical issues related to the concept of consciousness and the medical management of patients with disorders of consciousness, such as comatose, vegetative and minimally conscious states that may be encountered in the intensive care setting were looked into. The problem of pain management and end of life decision making was emphasised in this study [6]. Such situations also require the medical practitioner to be aware of the medico legal terms.

In the study on stressors in Medical College students in Northern Maharashtra a survey of randomly selected medical students of a Medical College in Northern Maharashtra was conducted based on a questionnaire in which demographic data and items examining possible sources of stressors based on the authors’ experience with medical students and a scale to measure the anxiety experienced by the students studying medicine were given to all the subjects. The majority of stressful incidents in traditional curricula were related to medical training rather than to personal problems. Anxiety is also associated with feeling of loneliness, peer competition, long hours and loss of social time. Family support can be an effective tool for helping medical students coping up with the stressors of their life [7]. The Awareness of medico legal terms is important while trying to understand the factors creating stress in a physician’s early life.

AAGA means Accidental Awareness during General Anaesthesia. There is an overarching ‘duty of care’ on the part of the anaesthetist to the patient in the conduct of general anaesthesia for surgery. A patient who is led to believe that they will definitely be completely unconscious from a certain time point, and who finds that they have not been, will likely feel that the duty of care has been breached [8]. It is important for the physicians to be Aware of ‘negligence’ and other medico legal terms and thus to prevent incidents of AAGA.

Conclusion

To conclude, the doctors of a city in Dakshina Kannada included in the study were reasonably aware towards medical ethics, professional misconduct, and treatment of patient in emergency. But they lacked sufficient knowledge about Privileged Communication, Warning Notice, Declaration of Geneva, functions of Indian Medical Council and Medical Jurisprudence. The doctors agreed that there is need for planning and conducting training program related to legal medicine.

It will be beneficial for practitioners to attend training programme related to legal aspects of practice of medicine.

Limitations of the Study: The convenience sampling may not be the representative sample of doctors.

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Questionnaire

1. Medical Juriprudence
   A. It is the branch of medicine relating to law.
   B. It is the branch of law relating to medicine.
   C. It is providing substandard treatment causing harm, injury or death of the patient.
   D. It is transformation of healthcare into universal medical alphanumeric codes.

2. Medical Ethics
   A. Conversion of voice recorded reports by physicians into text format.
   B. Writing scientific documents of different types.
   C. System of moral principles that apply values and judgments to the practice of medicine profession.
   D. Deals with the conventional laws of courtesies observed between members of the medical profession.

3. All are functions of Indian medical council except
   A. Maintains the standards of undergraduate medical education.
   B. Grants recognition of foreign medical qualifications.
   C. Maintains a Medical Register.
   D. Execute Penal erasure of registered medical Practitioners

Correct answer: D
4. All are covered under Declaration of Geneva except
   C. Contributory negligence.
   A. Treatment of prisoners in war.
   B. Treatment of ship wrecked individuals
   C. Human participants in research.
   D. Civilians during combat.
   Correct answer-C

5. A doctor has consumed alcohol and is under its influence while treating a patient.
   This amount to
   A. Contributory negligence.
   B. Serious professional misconduct.
   C. Medical maloccurrence.
   D. Composite negligence.
   Correct answer-B

6. Warning Notice
   A. contains practices which fall within the meaning of term “Serious Professional Misconduct”
   B. Document compelling attendance of a withness in a Court of law under penalty.
   C. Notice issued if a health inspector believes you are breaking the safety law.
   D. Notice which requires you to stop a particular activity immediately.
   Correct answer-A

7. The duties of medical practitioners are all except
   C. Duty to inform the master about the illness of his servant patients.
   A. Duty to exercise a reasonable degree of skill and knowledge.
   B. Duties with regards to attendance and examination.
   C. Duty to inform the master about the illness of his servant patients.
   D. Duty to follow the correct protocol of treatment
   Correct answer-C

8. Bus driver is suffering from epilepsy and colour blindness – Doctor should persuade the patient to change his employment, because of dangers of his occupation to himself and to public. If the bus driver fails to do this, the doctor has to inform the employer.
   A. Professional secrecy.
   B. Professional negligence.

4. All are covered under Declaration of Geneva except
   C. Privileged communication.
   D. Vicarious liability.
   Correct answer- C

9. All are types of Professional Negligence except
   A. Civil.
   B. Criminal.
   C. Corporate.
   D. Torts.
   Correct answer-D

10. Injury or death of patient resulted from unexpected by-product of faulty, defective, of negligently designed medical or surgical instruments or inadequate operating instructions, this is called as
    A. therapeutic misadventure.
    B. Medical moloccurrence.
    C. Products liability.
    D. Vicarious liability.
    Correct answer- C

11. Doctor refused to admit a patient requiring hospitalization even when beds were available which resulted in death of patient. This is an instance of
    A. Serious professional misconduct.
    B. Therapeutic Misadventure.
    C. Medical negligence.
    D. Medical maloccurrence
    Correct answer-C

12. Can a doctor refuse to treat a patient in emergency, because it is a medico legal case?
    A. Yes he can.
    B. No he cannot.
    C. He can if he does not want to give evidence in court.
    D. He can, if he is very busy
    Correct answer-B

**Question related to planning and conducting training programme**

1. Do you think there is need for planning and conduction training programme related to legal aspects of Medicine? If you suggestion is yes, would it
A. Familiarize you with medico legal terms.
B. Familiarize with medico legal Procedures.
C. Make you aware of changing laws of country in practice.
D. Any other; please add a line.

References


