

# Knowledge about Medical Law and Its Negligence among Doctors: A Cross-Sectional Study

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**Abstract- Objective:** To assess the knowledge of health care professionals regarding medico-legal aspects and its negligence.

**Materials and Methods:** This descriptive epidemiological study was conducted among two specialties of health professionals. The total study sample composed of 123 doctors out of which 68 were males and 55 were females. A self structured questionnaire was developed to assess the awareness of consumer protection act (CPA) and whether these professionals were following the medico-legal aspects. The SPSS software was applied for data analysis & student's t-test ANOVA test were used as tests of significance.

**Results:** It was found that most of the participants (79.2%) were aware about the code of medical ethics. Male doctors had more knowledge compared to about medical law and its negligence than females. Where as, regarding the specialty General surgeons were slightly more aware than Gynecologist. A significant difference was observed according to the experiences of the participants.

**Conclusion:** Even though the medical practitioners were knowledgeable about medical legal-aspects and informed consent but when it came to actual objectives of consumer protection act their knowledge was satisfactory.

**Index Terms-** Medico-legal aspects; Consumer Satisfaction; Surgeons; Gynecologists

## I. INTRODUCTION

Medical profession is considered as a most pious profession all over the world. A doctor is placed only second to Almighty God. He enjoys a position of an Angel. Patient feels a divine image in him. Its sole objective is improvement of the quality of the life of the people 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 [1].

The relationship between doctor and patient is based on trust and confidence but these trust, sacredness and confidence, has become the talk of olden days and now it sounds hollow. Lucky doctors of the past were treated like God and people revered and respected them. With commercialization spreading to all aspects of our lives, the medical profession and services rendered by hospitals and private clinics are going through dramatic changes. Some incidences cause suffering to the patients, forcing the legislature and the public to think twice about the credibility and authenticity of medical treatment given to the patients [2].

Hence, now the doctor-patient relationship has deteriorated considerably and medical negligence is on the increase which is

the act or omission by a practitioner and thus the treatment provided is below the accepted level and causes injury to the patient, Statistics show that each year, in the United States, approximately 195,000 people die because of medical errors. As a result, it was increasingly felt that medical treatment should also be made answerable, hence doctors were covered by various laws [3].

Indian society is experiencing a growing awareness regarding patient's rights. In India, the Consumer Protection Act (CPA) came into existence in 1986, which was enacted for better protection of the interests of consumers. The provisions of consumer protection act now covers deficiency of service by medical professionals in such cases to provide redresses to the patients.

The law is not made to punish all health professionals that cause injury to patients; it is concerned only with negligent acts. Doctors should be clear while taking the cases, they must decide whether to undertake the case, what treatment to give and they must take care in the administration of that treatment. A breach of any of these duties gives the patient a right to act for negligence [4]. Thus, this study was performed to assess the level of medico-legal aspects among medical practitioners.

## II. MATERIALS AND METHODS

### Study population

This cross-sectional survey was done among medical health professionals in the Department of General surgery and Gynecology in Chhattisgarh, India. Around 123 participants were surveyed including 68- males and 55- females.

### Criteria for selection of participants

All the participants belonging to these two specialties and willing to participate were included in the study.

### Official permission

Before the start of the survey an ethical approval was obtained from the ethical committee and a written informed consent was obtained from all the participants in the survey.

### Pilot study

Before data collection a pilot study was conducted among 10 professionals to know the validity of the questionnaire and degree of repeatability (Cronbach's alpha=0.78).

### Performa

A self-administered, structured questionnaire written in English validated through a pretested was used to evaluate the knowledge of medical law and its negligence among participated professionals.

The questions were based on awareness of provisions of CPA as applied to medical and dental profession, medical code of ethics, location of consumer forum, informed consent, knowledge of mercy killing, conditions a consumer comes under CPA, time period for the patient to sue the concerned doctor, can a consumer lodge a complaint without the presence of a lawyer, maximum time period within which a patient can sue the concerned doctor.

All the subjects were examined in both the specialties of medical health profession. The participants were asked to respond to each item according to the response format provided in the questionnaire.

#### Data analysis

The Statistical software namely SPSS version 16.0 was used for the analysis of the data. For data analysis, each correct answer was given a score '1' and each wrong answer was assigned as a score of '0'. The individual scores were summed up to yield a total score. The student's t-test, ANOVA test were used as tests of significance for statistical evaluation of means. The level of significance was set at  $P \leq 0.05$ .

### III. RESULTS

The study composed of 123 participants from two different specialties of medical health professional. It was found that most of the participants (79.2%) were aware about the code of medical ethics. All the study participants were aware about different types of consents and they consider that informed consent is best among all. They also had knowledge regarding the conditions indicating for consent. Mostly doctors (87%) mentioned that children should not be treated without parent's consent except for emergencies. 77% of them had knowledge of recordkeeping of the patients.

Around 68% were having exact knowledge of mercy killing. When it was asked regarding aims and objective of COPRA, half of the respondents gave correct answer. 72% were aware that consumer can lodge a complaint without the presence of a lawyer. Around 70% knew that person who receives medical treatment in Government or Charitable Hospital, which provides treatment to one and all, free of cost, is not under the Act. Around 44% exactly knew the level of compensation for claiming at different centers as District level, State commission, and National commission.

In the present study, male doctors had more knowledge compared to about medical law and its negligence than female doctors ( $P=0.001$ ), as shown in Table 1. Where as, regarding the specialty General surgeons were slightly more aware than Gynecologist ( $P=0.743$ ) (Table 2).

When the findings were compared according to the experience, practitioners having experience between 6 to 10 years were more aware followed by 11-15 years and 0-5 years ( $P=0.001$ ) as mentioned in Table 3.

### IV. DISCUSSION

Medicine is a noble profession but there is also growing anxiety both within the medical profession and in the community regarding increasing trends of complaints and lawsuits against

doctors. Negligence in the medical world has assumed great importance in relation to the medical malpractices suits in various countries in Asia, Europe, USA and more so in India. In the area of patient-doctor relationship two important models dominate viz. one is based on paternalism and other is founded on the doctrine of informed consent. According to Dworkin's standard definition of paternalism means "interference with a person's liberty of action justified by reasons referring exclusively to the welfare, good, happiness, needs, interests or values of person coerced." [5].

In the present study, most of the participants knew about the medical code of ethics. They think that knowledge of ethics is extremely important and only few of them, their main source of knowledge on healthcare ethics was during training study conducted by Dash S.K. in 2010 [6]. Mostly respondents were aware about the knowledge of record keeping of the patients and results were higher than the study done in 2009 by Makhani C.S. in Indore [7].

Written records, including medical history, chart notes, radiographs, and photographs must be meticulous, and it is necessary for the documents to be signed and dated. Under Article 51 A(h) of the Constitution of India, there is a moral obligation on the doctor, and a legal duty, to maintain and preserve medical, medico-legal, and legal documents in the best interests of social and professional justice [8].

Almost every participant in this study have knowledge of informed consent and this is in accordance with the study carried by Heywood R. in 2007 who found that 98% of medical students found IC to be important and necessary for a surgical intervention [9]. Consent requires that patient fully understand the information given, but if the patient is debilitated due to a serious illness/mental condition, a suitable surrogate should make decisions [10].

This data showed that detail knowledge regarding aims and objectives of consumer protection act and its application is limited. Similarly limited awareness was seen among the study by Jasuma et al [11]. The findings also showed difference between two specialties medical professionals regarding the consumer protection act. It was also found that general surgeons were more aware than gynecologists.

Our data showed that senior doctors have better level of knowledge than juniors. Similar results were found by Sing K et al among health care professionals in Udaipur [12] and Jasuma et al in Vadodra [11].

This might be due to the reason that with increase in exposure, awareness also increases. Similarly it was also found that male doctors showed good knowledge regarding medico legal aspects. These results were in agreement with Singh et al study [12]. It may be attributed to the fact that comparatively males devote more time to routine practice.

Due to the limited knowledge by the health professionals, there is an increased risk of malpractice, especially from complex case situations. In addition, the expanding patient population is becoming more knowledgeable and aware of their rights, consequently taking action by contacting the consumer forum to lodge their complaints [13].

**V. CONCLUSION**

The study participants were knowledgeable about medical legal aspects and informed consent but when it came to actual objectives of consumer protection act and methods of filing cases their knowledge was satisfactory. So, medical health professionals need to update their understanding on consumer protection act and its amendments to be on a legally safer side.

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**TABLES**

**Table 1: Showing knowledge about medical law and its negligence among doctors using student's t test**

SEX	No	Mean	Std. Deviation	p-value
Male doctors	68	13.91	2.804	.001
Female doctors	55	12.07	3.257	

**Table 2: Showing knowledge about medical law and its negligence according to the specialty using student's t test**

Specialty	No	Mean	Std. Deviation	p-value
General surgeons	73	12.97	3.480	.743
Gynecologist	50	12.78	2.728	

**Table 3: Showing knowledge about medical law and its negligence according to the Experience using ANOVA test**

Experience	No	Mean	Std. Deviation	F-value	p-value
0-5 years	60	11.92	3.504	7.466	.001
6-10 years	26	14.58	1.629	.319	
11-15 years	37	13.30	2.933	.482	
Total	123	12.89	3.185	.287	