

Original Article

Awareness of Ethical and Medico-Legal Issues Among Medical Professionals of a Private Institute

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ABSTRACT

Background: Medical council of India has laid down certain guidelines for the medical professionals to follow. Being an integral part of medical practice, it is mandatory for medical professionals to have knowledge of medical ethics. This study was undertaken to assess the awareness of ethical and medico-legal issues among medical professionals of a private institute. **Material and methods:** It was a cross-sectional, questionnaire-based study carried out in 134 medical professionals using a structured and validated questionnaire. The data was analysed using EPI-Info statistical software version 6 for number and percentage. **Results:** We observed that 86.6% participants were aware about code of medical ethics and its importance in medical profession, they acquired the knowledge of medical ethics as experience at work (58.2%) followed by lectures and seminar (26.1%), 95.5% were aware about the different types of consent and its importance in medical profession, 85.1% were aware about medico-legal cases and 56.7% participants stated that proper documentation and consent can prevent a charge of negligence. **Conclusion:** To conclude with, though participants were aware about basic facts of ethical and medico-legal issues, various finer aspects need to boost up time to time to avoid future legal actions.

Keywords: Medical ethics, Medical professionals, Medico-legal issues, Medico-legal cases, Consent, Doctor-patient relationship, Medical indemnity insurance

INTRODUCTION

The medical profession is governed by legislation, code of ethics and etiquettes formulated by State Medical Council, National Medical Council and World Medical Association. Medical Council of India has laid down certain guidelines for the medical professionals to follow which includes duties of a doctor, code of medical ethics, etiquette and professional conduct^[1]. Medical ethics is a voluntarily self-imposed code of conduct by medical professionals that deals with the moral principles, which guide members of medical profession in their dealing with each other, their patients and the state. Being an integral part of medical practice, it is mandatory for medical professionals to have knowledge of medical ethics^[2].

Some countries such as Egypt, Babylon, India and China

have some of the oldest civilizations in the world, the oldest code of medico-legal conduct being the 'Rule of King of Babylon,' which was practiced around 2200 BC^[2]. Guidelines of Hippocrates, the father of modern medicine, known as 'Hippocrates Oath' have been practiced the world over for the principles of medical ethics^[3]. Nowadays, Geneva Declaration formulated by the World Health Association is a modernized version of Hippocrates Oath, which is being practiced worldwide and binds the medical professionals for their duty to promote and safeguard the health of society^[4].

Mistakes can occur in every profession, which may probably be due to lack of care. Unfortunately in medical profession, mistakes could result in serious ailments even death, which makes the doctor answerable. Negligence

is doing something that one is not supposed to do or failing to do something that one is supposed to do. Essential components of negligence are duty, breach and resulting damage. It is different from mistake or error of judgments, which is nothing but lack of proper care and attention. For an act to be considered as a negligent act there should be a connection between negligent act and resultant damages. Legally, it is a breach of duty of care. It can occur in any aspect of professional practice. A medical professional is only prosecuted for negligence under the criminal law when it is proved that doctor did something or failed to do something which in the given facts and circumstances no medical professional in his ordinary senses would have done or failed to do. The burden of proof lies on the plaintiff^[2].

All medical professionals along with their auxiliary staff are responsible for health and safety of their patients. On the contrary, they fail to do so leading to spurt in negligence cases and ultimately litigations. Medical professionals are meeting up with various medico-legal issues. Several cases of negligence are being registered against them. All doctors should be aware of medico-legal cases, various basic medico-legal procedures and relevant legal provision. Moreover, the Indian Medical Council Regulations has made quite clear about legal awareness of the medical profession in which it is specifically noted that physicians shall observe the law of the country in regulating the practice of medicine and shall not assist other to evade such laws^[1]. Also, they should be familiar with various medico-legal procedures and all precautions and guidelines to be followed in medico-legal cases. Definitely knowledge of all medico-legal aspects would help doctors to tide over the problems.

Doctors are having several ethical, moral and legal obligations in their duties and every doctor should understand those for the betterment of patient which may in turn reduce the risk of being sued by patients. Due to growing public awareness regarding ethical conduct of medical professionals and inclusion of doctors in various laws and regulations, there is a recent rise in number of litigations against doctors, which is an issue of immediate concern. The reason may be social, economic, professional, or judicial factors such as increase in media awareness, rights of patients, increase in doctor-patient confrontations and increasing use of technology.

With this in mind, this study was undertaken to assess the awareness of ethical and medico-legal issues among medical professionals of a private institute.

MATERIAL AND METHOD

After obtaining approval from Institutional Ethics Committee, a cross-sectional, questionnaire-based study was carried out at Lata Mangeshkar Hospital, Nagpur, from July 2014 to December 2014. The study was conducted on 146 medical professionals selected by simple random sampling of which 12 were excluded from the study for incomplete filling of questionnaire. So the final sample size was 134. A structured and validated questionnaire having 20 questions related to various aspects of ethical and medico-legal issues was used for the study to collect information. Before starting the study, it was pretested on a group of 10 doctors who were excluded from final analysis. Those who were not willing to participate were also excluded from the study. Prior to administering the questionnaire, they were addressed regarding the purpose and process of data collection. They were informed that data collected would be anonymous and their participation would be voluntary. Questionnaires were distributed among the participants after taking informed consent. Then the data was analysed using the EPI-Info statistical software version 6 for number and percentage.

RESULTS

The present study comprised of 134 medical professionals of different specialties of Lata Mangeshkar Hospital, Nagpur, from June 2014 to December 2014. The present study was undertaken to assess the awareness of ethical and medico-legal issues among medical professionals of a private institute. We observed that most of the participants 116 (86.6%) were aware about the code of medical ethics and its importance in medical profession. All medical professionals believed that medical ethics was an essential subject for their profession and all of them were practicing as per code of medical ethics to some extent. Though majority of participants 130(97.1%) knew about Hippocratic Oath, very few 87(64.9%) were able to recollect its contents. Regarding source of knowledge of medical ethics, most of the participants learnt medical ethics as experience at work 78(58.3%) followed by lectures and seminar 35(26.1%) (Figure 1).

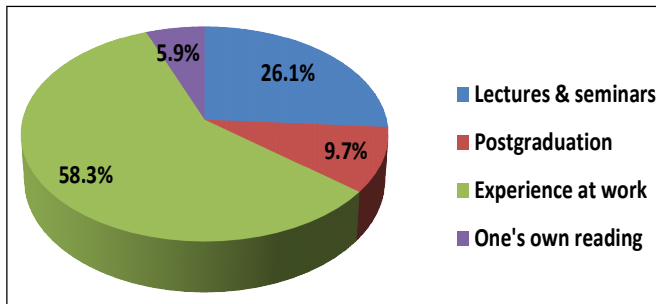


Figure 1: Source of knowledge of medical ethics

Most of the participants 128(95.5%) were aware about the different types of consent and its importance in medical profession and they believed that the informed consent is the best consent for medical practice (Figure 2).

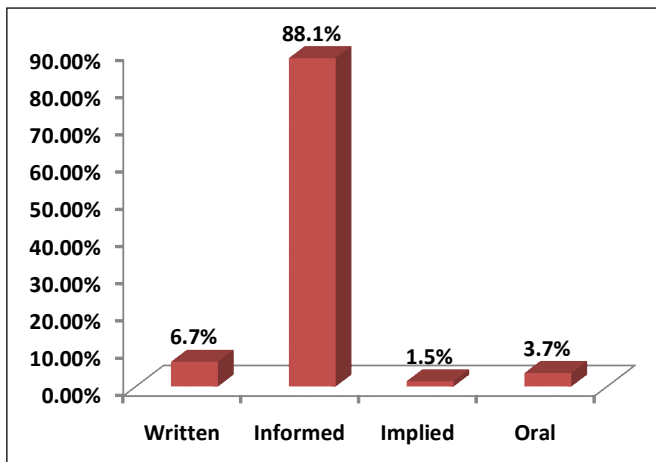


Figure 2: Best type of consent in medical practice

Most of the doctors 91(67.9%) stated that children should not be treated without parent's or guardian's consent except in emergency situations. We observed that 95(70.8%) participants believed that patients should always be informed of wrongdoing and most of the participants 118(88.1%) agreed that the patient's confidential information should not be disclosed to others unless and until patient consented for the same, but on some instances when it is in the larger interest of public, it may be acceptable which is known as privileged communication.

Consent is required for examination, laboratory investigations, tests, operations and procedures along with medications. Majority of the doctors 119(88.8%) believed that the consent was required only for operations and

procedures and not for various tests or medications. All of them were taking consent before operative procedures.

It is a duty of a doctors and hospital to maintain and preserve the all medical records of patients under treatment meticulously with each documents duly signed and dated. As far as the knowledge of medical records were concerned, 128(95.5%) medical professionals were aware about record keeping, but only 43(32.1%) were having an idea regarding period for patient's record keeping. Most of the medical professionals 113(84.3%) were aware about the existence of ethical committee in the institute; however very few of them 37(27.6%) were having knowledge regarding its role.

Most of the participants 114(85.1%) were aware about medico-legal cases. But only 47(35.1%) participants had handled medico-legal cases in the past with all requisite precautions. Medical indemnity insurance company looks after and protests the professional interest of doctor. It indemnifies the insured doctor in the case of claimed professional negligence. Also it arranges, conducts and pays for defence of doctor. We found that 116(86.6%) doctors were aware about it.

In our study, 76(56.7%) participants stated that proper documentation and consent can prevent a charge of negligence; however others 58(43.3%) stated that apart from this, other factors such as healthy doctor-patient relationship and ethical conduct is also important. When inquired about inclusion of medical ethics during undergraduate or postgraduate training, 117(87.3%) participants strongly agreed for the same. Majority 130(97.1%) were strongly in favour of orientation programs on various ethical and medico-legal issues in the form of lectures, conferences, continuing medical education, workshops and seminars to update their knowledge which in turn will help to prevent negligence at their end and avoid future litigations.

DISCUSSION

Doctors are always regarded as saviours for the people. But whenever there is faltering on their end, issues of negligence arises. Due to rise in public awareness regarding ethical conduct of medical professionals, litigations against them are on hike. To cope up with this,

certain codes of medical ethics, etiquettes and professional conducts are formulated by MCI, which they have to follow. The medical professionals need to be acquainted about knowledge of medical ethics, various rules and regulations, and legal provisions.

The present study was undertaken to assess the awareness of ethical and medico-legal issues among medical professionals of a private institute in which we observed that most of the medical professionals were aware about medical code of ethics and its importance in their profession; however they lacked the finer details of medical ethics. The similar results were noted by previous workers^[5-13], whereas the knowledge score was low in respondents of a study by Sulmasy^[14]. Though majority of the participants knew about Hippocratic Oath, very few were able to recollect its contents and this is parallel with the findings of study carried out by Brogen^[8] and Janakiram^[12].

Regarding source of knowledge of medical ethics, most of the participants learnt about medical ethics as experience at work followed by lectures and seminars, which is comparable with earlier studies^[6,10] whereas the participants of previous studies acquired their knowledge through undergraduate training^[8,13], by reading books and journals^[15], media^[16] and by attending workshop and CME^[17].

The consent is very important aspect in the medical law. A medical practitioner may be liable for harm to a patient by a procedure, which was not consented to. We found that most of the participants were aware about consent and its different types. Also, they believed that informed consent is the best consent for medical practice, which is in accordance with a study by Haripriya^[5]. Most of the participants stated that children should not be treated without patient's or guardian's consent except in emergency situations. Similar results have been reported by earlier studies^[6,8,10,13,18]; however our results were lower than that of the study by Haripriya^[5].

Confidentiality, being an important component of healthy doctor-patient relationship, should be maintained. Regarding disclosure of patient's confidential information other than the patient, our findings are in agreement with previous workers^[6,8,10,13], but different results were reported in another studies^[18,19]. Several studies^[6,10,12] had

shown that patients should be informed about wrongdoing which is in concurrence with the present study. Consent is required for examination, laboratory investigations, tests, operations and procedures along with medications. Implied consent may be sufficient for routine tests, but some sensitive tests and treatment require prior informed consent. In our study, most of the doctors believed that consent was required only for operations and procedures and not for various tests or medications. The analogous observations were noted by earlier workers^[12,18,19]; however most of the participants in a study by Brogen^[8] and Hariharan^[10] thought that consent was must for tests and medications also.

As per article 51 A (h) of the Constitution of India, there is a moral obligation and a legal duty of the doctor to maintain and preserve medical, legal and medico-legal documents in the best interest of social and professional justice^[20]. These records become the sole and critical evidence for the treating doctors to defend themselves from false claims. Furthermore, these records will be helpful for other medical practitioners when dealing with similar situations, which fall under the purview of medico-legal domain. In view of the multitude of cases against the doctors under the Consumer Protection Act, it is advisable to preserve all the in-patient records for a period of at least 5 years and out-patient records for 3 years. The Medical Council of India has given the recommendations in context of medical and medico-legal records and their maintenance that every physician shall maintain the medical records pertaining to his/her indoor patients for a period of 3 years from the date of commencement of the treatment in a standard proforma laid down by the Medical Council of India^[1]. Most of the participants of our study were aware about record keeping, but not about the duration of medico-legal records keeping, which is in agreement with previous studies^[5,8,13].

Ethical committee is the most vital mechanism of any institute for considering and resolving ethical dilemmas in medical science. In our study although most of the participants were aware about institutional ethical committee, very few of them were aware about its role, which is in accordance with earlier workers^[6,10]. Dash^[21] mentioned that only 57% were aware about ethical committee. A medico-legal case can be any case in which a person is harmed or injured in any way and involves

legal authorities. It is vital for medical practitioner to be familiar with medico-legal procedures relevant to their specialty. The professionals must be aware of all precautions and guidelines along with proper handling and accurate documentation that need to be followed to evade from medico-legal cases to avoid legal complications. Most of the participants were aware about medico-legal cases and were taking precautions while handling the cases, which is comparable with findings of Dash^[21] and Rai^[13].

Medical indemnity insurance looks after and protects the professional interest of doctor and it pays for defence of doctor. Regarding awareness of medical indemnity insurance, findings of our study are in accordance with Dash^[21] and Kachare^[22].

We observed that 56.7% participants stated that proper documentation and consent can prevent a charge of negligence; however 43.3% participants stated that apart from this, other factors such as healthy doctor-patient relationship and ethical conduct is also important, which is similar with findings of a study carried out by Dash^[21].

When inquired about inclusion of medical ethics during undergraduate or postgraduate training, majority of the participants were strongly agreed for the same which is in concordance with former studies^[7,8,14,15,18,21]. Majority were strongly in favour of orientation programs on various ethical and medico-legal issues in the form of lectures, seminars, conferences, workshops and continuing medical education to update their knowledge, which in turn will help to prevent negligence at their end and avoid future litigations^[7-11,16-17,21].

To avoid legal issues, a doctor should attend the patient on regular basis, should be careful while advising or prescribing medication, should always consider medical history before giving advice to the patient, should avoid inhuman and rude behaviour towards the patient and their relatives, should take proper consent before starting the treatment, should maintain proper documentation and clear communication with the patient, and should thoroughly explain the conditions and involved expenses at the time of treatment. Apart from this, doctor should update themselves with current methods of treatment through various orientation programs.

CONCLUSION

The study was sincere effort to assess the awareness of medical professionals regarding ethical and medico-legal issues. By and large, it was found that although participants were aware about basic facts of ethical and medico-legal issues, various finer aspects need to boost up time to time to avoid future legal actions. This can be achieved by sensitizing them by orientation programs such as lectures, seminars, workshops, continuing medical education, conferences which will increase their awareness of newer ethical and medicolegal issues.

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CONFLICT OF INTEREST

None.

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Self.

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