

# Awareness of Medical Negligence among Practitioners

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## Abstract

**Introduction** The cases of medical negligence in the recent years have been gradually increasing. Unless knowledge about medical negligence is strictly implicated in the medical practice the rate of medical negligence will increase. Nearly 50lakh Indians die due to medical negligence every year.

**Ain & Objective** The present study was aimed to assess the level knowledge and awareness regarding medical negligence among medical practitioners .

**Materials & Method** The present cross sectional study was conducted in saveetha medical college and hospitals , Chennai. A total of 100 practitioners were studied . The study period was from 24<sup>th</sup> February to 12<sup>th</sup> march 2019.

**Result ;** In total , 100 medical practitioners were studied, of which almost all had knowledge about medico legal cases , only 88 of them take precautions during handling medico legal cases . only 47% were aware of the punishments given for medical negligence.

**Conclusion** The awareness among the practitioners is satisfactory. But 37% of the practitioners couldn't differentiate medical negligence from medical errors. The knowledge about the punishments given for an act of medical negligence is not satisfactory only ,40% had knowledge inn that area. The attitude of taking precautions during handling a medical legal case was satisfactory, only 12% of them don't take precautions .

**Keywords :** *Negligence, Medical practitioners, Knowledge and awareness, Medical negligence.*

## Introduction

An act or omission ( failure to act) by a medical professional that deviates from the accepted medical standard of care , is one definition of medical negligence

Black's Law Dictionary defines negligence per se conduct ,whether of action or omission ,which may declared and treated as negligence without any arguments or proof as to the particular surrounding circumstances ,either because it is in violation of statue or valid municipal ordinance or because it is so probably opposed to the dictates of common prudence that it can be

without hesitation or doubt that no careful person would have been guilty of it. As general rule the violation of a public entry enjoyed by the law for the protection of person or property so constitutes.

Medical profession at present has changed from motive of service to commercialization.<sup>(9)</sup>

Medical profession includes the knowledge of various disease, their treatment and understanding human feelings with care taking aspect. Nowadays the skills and knowledge of the practitioner is applied carelessly.

Medical profession is considered as the most divine of all professions worldwide. A doctor is placed only second to god<sup>(1)</sup>, his mission is to improve quality of life and help people from their sufferings.

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Creating a rapport with the patient builds a relationship between a doctor and a patient. Speaking of which this has become the talk of the olden days. With commercialization spreading like a wild fire it has captured the medical profession under its hood

All doctors should know about medicolegal cases. Concerned procedure and felt relevant Provisions. Usually what happens is that medical legal duties of a registered medical practitioner I thought in second year of MBBS graduation and then fortunately afterwards nobody bothers about it till one faces some problems in composition of a case of negligence

Okay surely the obstetricians and gynecologists have to face the challenges of negligence on or the cases of alleged contaminations off MP, PCPENDING act, and how to defend themselves in the courtroom.<sup>(5)</sup> Hence from the legal point of view relations in the duties and obligations, or lapses or Ignorance (advertent or in advertent) committed by doctors give rise to Litigations related to civil and/or criminal legal liabilities

Indian society is experiencing a growing awareness regarding patient rights.<sup>(8)</sup> In India, the consumer protection act(CPA) came into action in 1986, which was enacted for the better protection of the interests of consumers. The provision of consumer protection act now covers deficiency of service by medical professionals in such case to provide redressed to the patient

In the decisions Rendered by the Supreme Court of India,<sup>(3)</sup> namely doctor Laxman Balakrishna Joshi vs. Dr. Trimbak Babu godbole &Anr., 1969 [13] and A.S.Mittal vs. state of U.P.,1989[7],It was laid down. That when Dr consulted by a patient, the former, namely, Dr owes To his patient certain duties which are (a) duty of care deciding whether to undertake the case; (b) duty of care deciding what treatment to give; (c)A duty of care in the administration of the treatment<sup>(1)</sup>

The 3 ingredients of negligence :

1. The defendant owes a duty of care to the plaintiff
2. The defendant breached the duty of care
3. The plaintiff has suffered injury

Negligence is the breach of a legal duty to care. It means carelessness in a matter in which the law mandates carefulness. A breach of this duty gives a patient the right to initiate action against negligence

A doctor can be held liable for negligence only if one can prove that she/he is guilty of failure that no doctor with ordinary skills would be guilty of if acting with reasonable care.

However, no human being is perfect and even the most renowned specialist could make a mistake in detecting or diagnosis the true nature of a disease. And this comes under the medical error<sup>(6)</sup> not under medical negligence. In this judgement, reliance was placed on the decision of the house of lords in White House vs. Jordan & Anr., (1981)<sup>(2)</sup>. Lord Fraser, While receiving the judgement of Lord Denning (Sitting in the court of appeal), observed as under :

“The true position is that an error of judgement may or may not be negligent, it depends on the nature of error.

An error of judgment constitutes negligence only if a reasonably competent professional with the standard skills that the defendant professes to have, and acting with the ordinary care, would not have made the same error.

Indian criminal law has placed the medical professional on a different footing as compared to an ordinary human. Criminal law and medical negligence section 304A[10] of the Indian penal code of 1860 states that “whoever causes the death of a person by rash or negligent act not amounting to culpable for a term of two years, or with a fine or without.”

Getting an informed consent is an crucial thing in medical practice. The patient must be told the nature and purpose of the procedure/treatment, its benefits and potential risks/side effects. Failure to communicate and disclose potential risks is considered medical negligence.<sup>(4)</sup>

Nearly 50 lakh Indians die due to medical negligence every year in different hospitals

Ignorance of law is no excuse for violating it. It is duty of everyone to know the law which concerns him or her nowadays practising medicine is hazardous & risky. Mutual faith replaced with mutual suspicion. This study was taken up assess the knowledge of medical negligence and professionalism among doctors working in Saveetha medical college,Thandalam

## Methods and Materials

The present cross-sectional retrospective study was

conducted in Saveetha medical college and hospitals, Chennai. Medical practitioners were included in this study. A total of 100 medical practitioners were studied. The participants include practitioners from both clinical and non-clinical departments of Saveetha medical college and Hospital, Chennai. In this study 105 doctors were approached, out of which 100 of them were willing to take part in the study. They were given the liberty to pull out of the study whenever they wanted if they felt unsafe or uncomfortable. Only the questionnaires in which consent was filled properly were included in the study. The study period was from 24th February to 12th March 2019. Institutional Ethical committee clearance (IEC) was applied and obtained before starting. All the medical practitioners who took part in the study was briefed on the study's purpose, and requested to participate in it. The questionnaire was distributed after

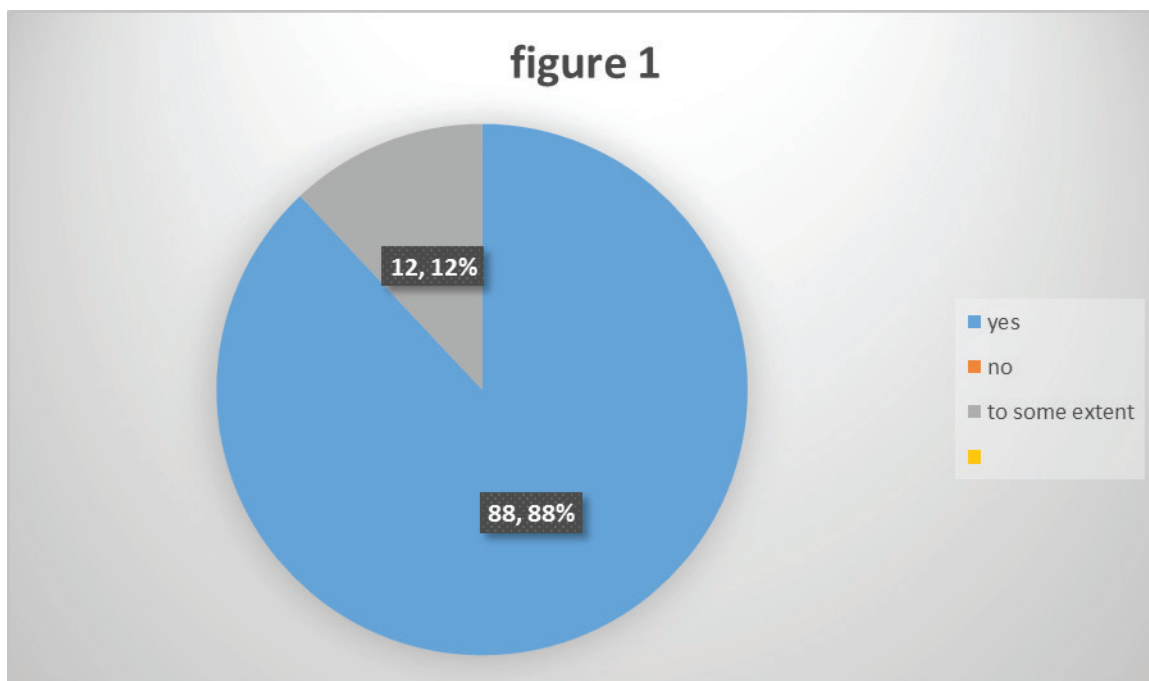
describing the purpose of study. The participants were assured that participation is voluntary and confidentiality would be maintained. A structured, self-administered questionnaire containing 20 questions relating to awareness and knowledge about medical negligence was devised and pretested based on previous research studies and in consultation with faculty members of the department of forensics and state medicine. Each question had 3 options. Those who refused and who weren't present on the third visit were excluded from the study.

Consent was obtained from each respondent. Confidentiality was maintained. After collecting the data, it was entered in the excel spreadsheet and the data was analyzed using SPSS software and frequencies and percentages were obtained and presented with graphs and charts.

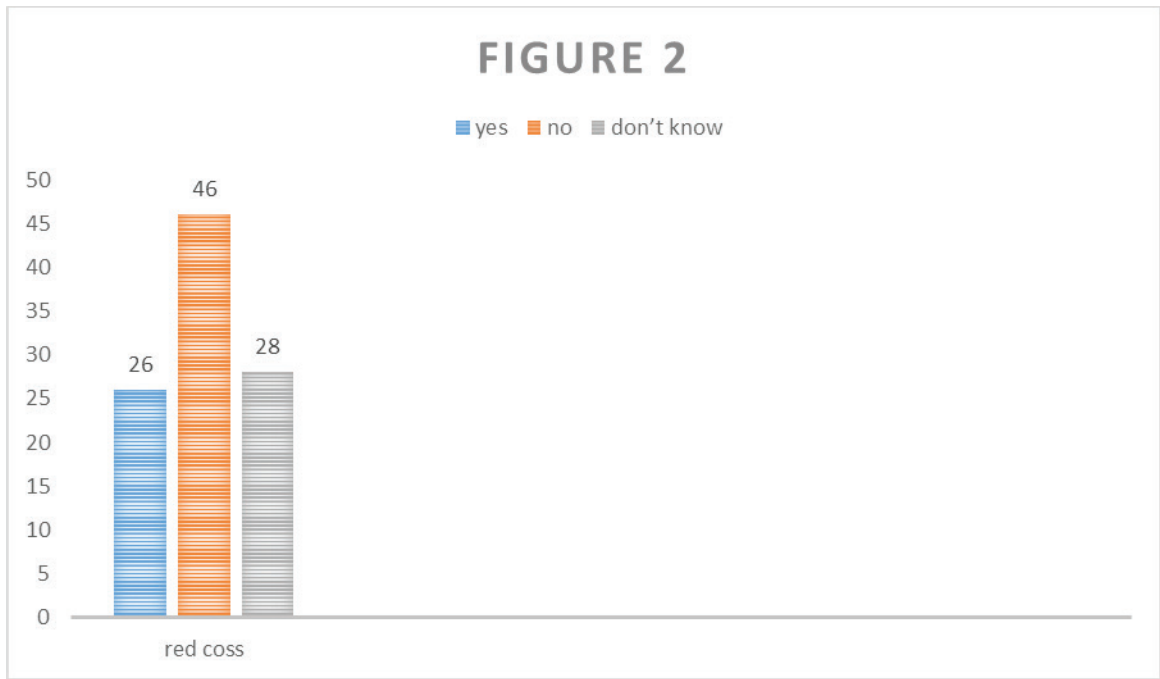
### Result

100% of the medical practitioners who participated in the survey had knowledge about medico legal cases

Among 100 participants, 88% take precautions and 12% take precautions to some extent while handling medico legal cases

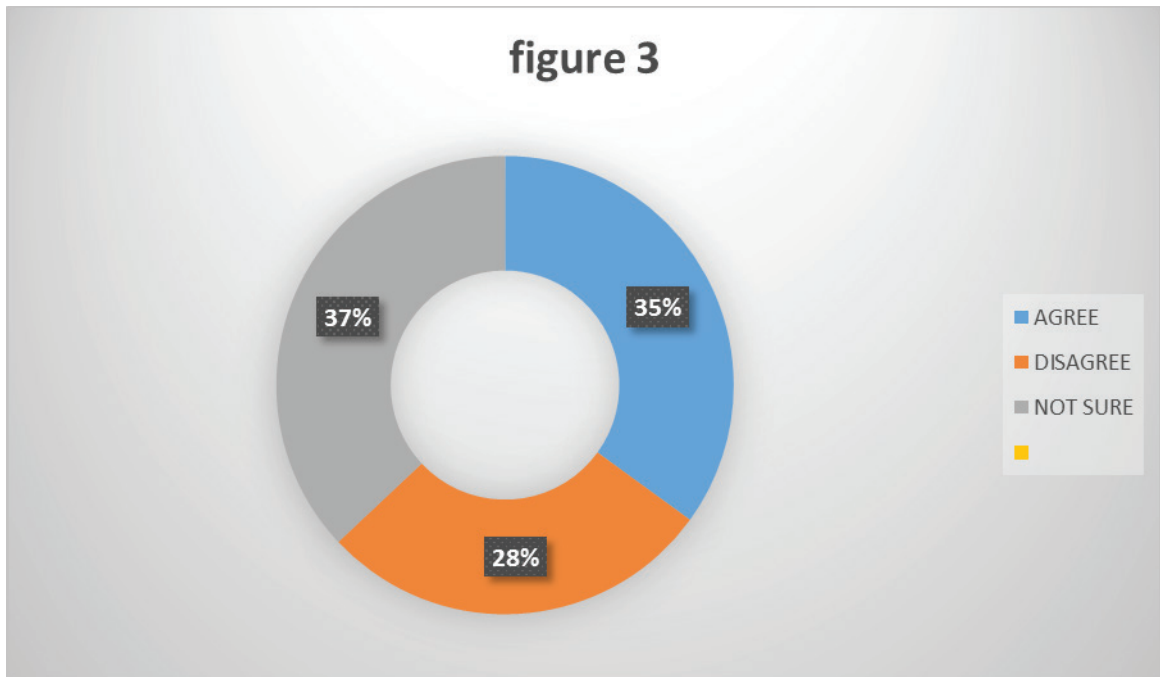


The graphic analysis given below describes that 26% saying yes, 46% saying NO, and 28% saying don't know, that whether Red Cross emblem belongs to doctors?

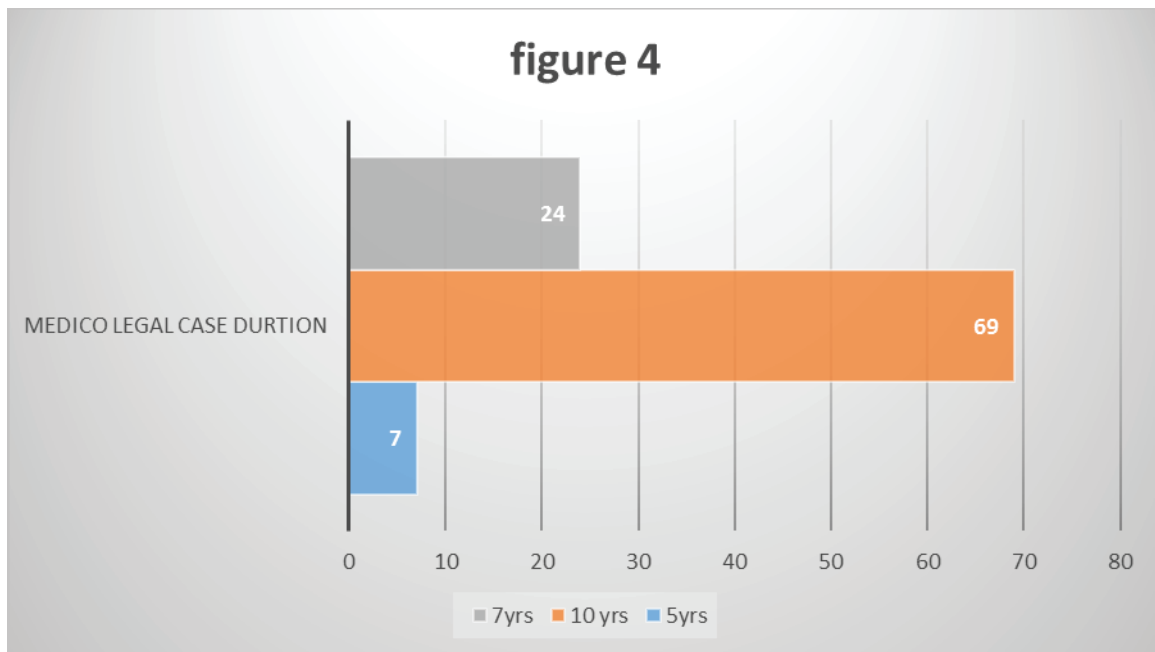


From the above graph For the statement “wrong diagnosis followed by wrong treatment is considered negligence” 35% agree

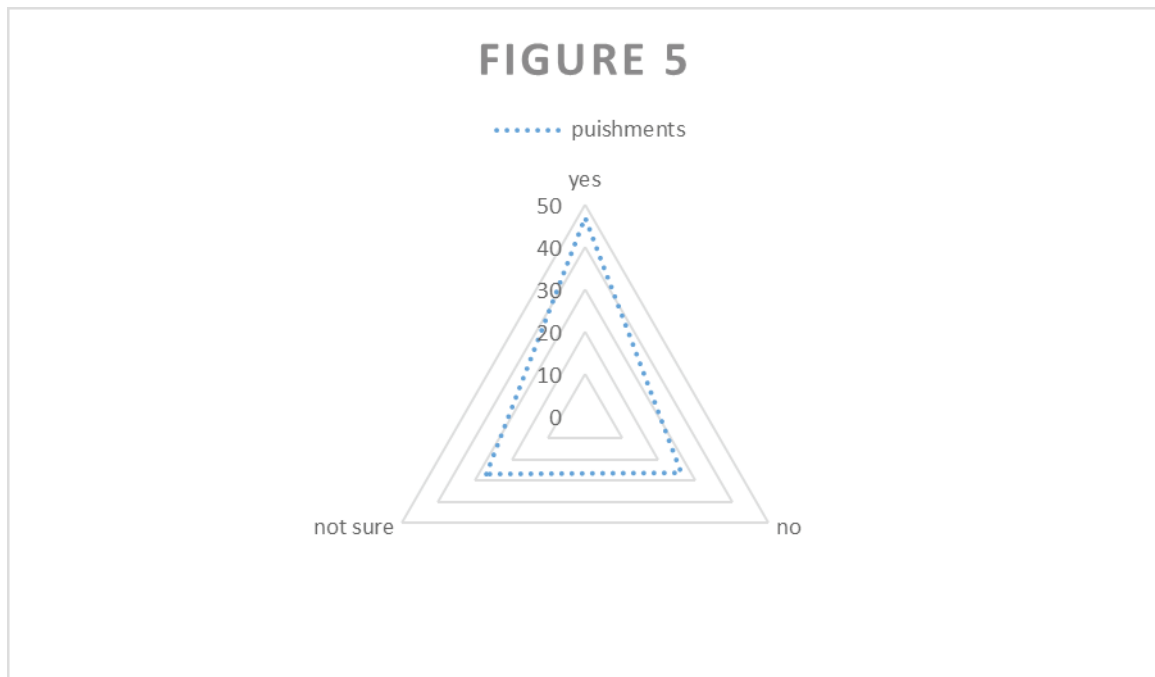
37%Disagree 28%Not sure



For the question “duration for which medical recors for MEDICO LEGAL CASES of the hospital have to be maintained?” The analysis showed that 7% opting for 5yrs, 69% opting for 10yrs, 24% opting for 7yrs.



For the question “are you aware of punishments of medical negligence ?” The answer percentages were 47%-yes, 26%-no, 27%-not sure



All of the practitioners get informed consent.

**Discussion**

Negligence within the medical world has assumed nice importance in reference to the medical malpractices suits in numerous countries Asia, Europe, USA And a lot of therefore in India.

Almost every participant in the study have knowledge of informed consent on this. Concerned requires that the patient fully understands the information given, but if the patient is debilitated be due to serious illness/mental condition, a suitable Surrogate should make decisions.

Written records, as well as medical record, chart notes, radiographs, and images should be meticulous, and it's 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 interest of social and professional justice.

The findings of the present study shows the knowledge and awareness about medical negligence among the medical practitioners in Saveetha Medical College, Chennai. The participants of this study included both doctors working in clinical and non-clinical departments of the college

In the present study, most of the participants had knowledge and awareness about medical ethics. The respondents think that their main source of knowledge about medical negligence was during various workshops seminars and clinical training.

The questionnaire consist of various questions about the awareness of medical negligence, precautions to be taken during medico-legal cases, record maintenance, legal punishment, proper consent, rights of the patients, euthanasia, Medical errors and lawsuits.

During the survey 100 practitioners from the clinical department of Saveetha Medical college it was observed that everyone had knowledge about medico legal cases. Around 80% of the respondents do take precautions during handling medico-legal cases, while 12% of them don't and remaining to some extent. Almost every participant in the study have knowledge of informed consent, since everyone here takes proper consent before any examination or procedure.<sup>(3)</sup>

Around 2/3rd of the participants agree that refusing to attend a patient during emergency is negligence

It is important do differentiate Medical negligence from medical error. Wrong diagnosis followed by wrong treatment is considered negligence is the statement but it is a medical error. Equal number of respondents agree and disagree on or not sure about the statement Wrong diagnosis followed by wrong treatment is considered as medical negligence .More than half of the participants aren't aware of the punishments given for medical negligence. Maintenance of medical records and documents is Mandatory for hospitals. And duration for which the records has to be maintained Is also important.

Very few respondents know the actual time period for which the medical records has to be maintained.

## Conclusion

Most doctors have good knowledge on medical negligence but few lacked proper and detailed knowledge on medical negligence. Since there is a growing awareness about medical negligence among patients, doctors also need to have a strong knowledge of medical and medico legal cases. The knowledge about medical negligence, and as precautions to avoid medical negligence should be emphasized in the MBBS under graduate so also in post graduate syllabus and examination. The results of the study are consistent in the previous studies by Haripriya.A <sup>(1)</sup>and ,Dave. D . S.D.Nanandkar, G.S.Chavan have suggested that periodical CME programmes, re orientation programmes and medical ethics and acts related to medical practices in postgraduate curriculum to solve the lack of awareness among doctors.<sup>(5)</sup> There is always a continuum between practice and education a medical career is of a life-long learning.

**Conflict of Interest :** Nil

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**Ethical Clearance:** Obtained from institutional ethical clearance board.

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