

KNOWLEDGE OF MEDICAL NEGLIGENCE AMONG MEDICAL STUDENTS.

UMA PANDEY

DEPARTMENT OF OBSTETRICS AND GYNAECOLOGY, INSTITUTE OF MEDICAL SCIENCES, BANARAS HINDU UNIVERSITY.

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ABSTRACT

Objective: The objective of this study to find out medico-legal knowledge of medical students. In the modern day & age of consumerism compensation has become almost a source of extra income for the patient and their family. Now a day patient party do not hesitate to take the doctors to the court. Therefore it has become essential for the medical fraternity to learn the relevant laws about medical negligence and its implications.

Methods: We planned to do a questionnaire survey among medical students at Banaras Hindu University.

Results: Study was done among 50 medical students in the IMS, BHU. There were 35 male, 15 female students. The age group was between 21-25 years. The questions were related to medico-legal aspect.

The awareness of law regarding consent: only 20% responded yes. 'Are you aware of any law which protects you'? Only 2% were yes.

What is medical negligence? Defined properly only by 10% of students. The question was asked 'have you heard of litigation: only 40 % said yes. 5% felt that if litigation happens judiciary would be sympathetic.

'Do they (legal team) understand our problems (are they equipped enough to understand limitations in medicine?)': surprisingly 20% said yes to this question. 30% of the students felt that trust among doctor patient is lost now a day.

Conclusion: This study highlights lack of knowledge and need for a course/curriculum in the Medical Students syllabus. For the postgraduate teaching there should be a part of medical jurisprudence in their curriculum with emphasis on record keeping and communication skills.

Keywords: Medical , knowledge, students, medico.

INTRODUCTION

Objective

The study was inspired by the increasing litigation in the field of Obstetrics and Gynaecology in our country and across the world. I thought that even doing a questionnaire study would/ may add to the knowledge or it will make them at least curious about it. Aim of this study to find out medico-legal knowledge of medical students. In the modern day & age of consumerism 'compensation' has become almost a source of extra income for the patient and their family.

Now a day patient party do not hesitate to take the doctors to the court. therefore it has become essential for the medical fraternity to learn the relevant laws about medical negligence and its implications.

Method

We planned to do a questionnaire survey among medical students at Banaras Hindu University.

RESULTS

Study was done among 50 medical students in the IMS, BHU. There were 35 male, 15 female students. The age group was between 21-25 years. The questions were related to medico-legal aspect. The awareness of law regarding consent: only 20% responded yes. 'Are you aware of any law which protects you'? Only 2% were yes. What is medical negligence? Defined properly only by 10% of students. The question was asked 'have you heard of litigation: only 40 % said yes. 5% felt that if litigation happens judiciary would be sympathetic. 'Do they (legal team) understand our problems (are they equipped enough to understand limitations in medicine?)': surprisingly 20% said yes to this question. 30% of the students felt that trust among doctor patient is lost now a day.

DISCUSSION

Negligence is breach in duty of care (duty to meet a particular standard). ¹ Malpractice is dereliction from duty of care directly causing damage. ² Complaint is deficiency in service, cost or adverse effect. Only 9% gets entertained at present. CPA stands for Consumer Protection Act, deals with Medical Negligence and Malpractice (Consumer Forum). ³ 'INTENT' is always evaluated in cases of Medical Negligence and Malpractice.

Bolam Test is a test in which the expertise of doctor and cause and effect relationship is proven or disproven. ⁴ TORT Law is used in Civil Jurisdiction. ⁵ Burden of proof lies with complainant. If law of court ask for medical records then it is our duty to provide them within 3 days to the first degree relative. Dealing with complaint needs awareness, build strong structure process, communication, documentation and empathy. ⁶

CONCLUSIONS

Study reveals poor knowledge among medical students at Institute of Medical Sciences, Banaras Hindu University. The study highlights the lack of knowledge among medical students. But many of us (clinicians) aren't aware of many things about the medical negligence and the law which deals with it (personal communication).

There is a real need to include Medical negligence teaching among the curriculum of medical students. Workshops organised on Medical Negligence would be of help to clinicians and especially Obstetricians. Obstetrics is the department in which maximum money is paid in cases of compensation then is the Orthopaedics (in NHS UK). (India: Obstetrics & Gynaecology tops the chart, then is Psychiatry, Surgery, Dental and fifth is Anaesthesia).

REFERENCES

1. Supreme Court—Criminal negligence vis a vis medical professionals: a Supreme Court ruling. Express Health Care

- Management. 1-15th Oct 2005. New Delhi: Supreme Court, 2005.
2. File AE—My malpractice case was literally a trial by fire. *Medical Economics*. March 19, 2001; 78:57-8, 61.
 3. AIR 1996 S.C. 550.
 4. Bolam v. Friem Hospital Management Committee (1957) 2 All ER, 118 at 121.
 5. Ramanathan, Usha, *Tort Law in India 1994*, International Environmental Law Research Centre, retrieved 16 October 2011
 6. Montgomery LM, Cupit BE, Wimberley TK. Complaints, malpractice and risk management: professional issues and personal experiences. *Prof Psychol Res Pr* 1999; 30: 402-10.