

## Original Research Article

**Medical negligence in Clinical practice****Dr. J. Ashwini Kumar<sup>1</sup>, Dr. K. Mahipal Reddy<sup>2</sup>, Dr. T.K.K.Naidu<sup>3</sup>**<sup>1</sup>Associate professor, Department of Forensic medicine, Medciti institute of Medical sciences, Ghanapur, Medchal, Hyderabad, Telangana.<sup>2</sup>Professor and Head, Department of Forensic medicine, Prathima institute of Medical sciences, Karimnagar, Telangana<sup>3</sup>Professor, Department of Forensic medicine, Prathima institute of Medical sciences, Karimnagar, Telangana**\*Corresponding author**

Dr. J. Ashwini Kumar

Email: [svr2k15@gmail.com](mailto:svr2k15@gmail.com)

**Abstract:** When a patient approaching a doctor expects medical treatment with all the knowledge and skill that the doctor possesses to bring relief to his medical problem. In this study 90% of respondents agreed that they were aware of complete information about facts and circumstances of illness and 84% of the respondents had adequate time to explain the problems and conditions of treatment procedures. In the view of the accountability and transparency of treatment 50% of the respondents express negatively on the issues whether a patient's is capable of understanding the risk and complexity involved in the treatment. The Indian legal system addresses medical negligence mainly through the consumer courts. The policy impact of being included under the control of the Consumer Protection Act, 1987. There should be legal awareness among the doctors that will help to provide proper medical management.

**Keywords:** Medical negligence, Consumer Protection Act, Legal awareness

**INTRODUCTION**

India is one of the lowest rates of expenditure on public health as total health expenditure is estimated to be about 6% of Gross Domestic Product of which private health care expenditure is 75% or 4.25% of GDP1. The Supreme Court of India relaxed the norms for doctors with regard to criminal liability for medical negligence by adding the requirement of "gross" medical negligence [1-3].

Studies by Health grade stated that an average 195,000 people in the USA died due to potentially preventable medical errors in of the years 2000, 2001 and 2002. Few other studies revealed that, due to the surgical errors, there are approximately 98,000 deaths annually occur in the US. There were around 80,000 deaths every year due to medical negligence in Australia and another 50,000 patients suffer from some type of permanent injury [4-6].

Salmond law of torts states that negligence is a disregard to do something by eligible man who regulates the conduct of human affairs, would do, or

doing mistakes which a reasonable man would not do [7].

**MATERIALS AND METHODS**

The present study was carried out in department of forensic medicine of Mendacity Medical College, Hyderabad during April, 2014 to June 2016. The present study assess the relationship between physician and patient, whether medical practitioners are aware on medical laws, whether patients are aware of their human rights in related to medical treatment. Data was collected from clinicians and patients by personally delivered questionnaire and by personal interview.

**RESULTS**

The communication with the patient concerned constitutes a cornerstone of the physician and the patient relationship. A full and complete disclosure of facts and circumstance of illness enables the health care provider to take appropriate steps in terms of prescription of drugs and administration of the treatment. Therefore, the health care provider relies on the facts and circumstances to be disclosed by the patient.

**Table-1: Showing the details of the attitude of patients.**

SI.NO	Information of the patients	Positive response	Number	Percentage (%)
1	Patient reveals complete facts on ill ness	18	20	90
2	Patient reveals complete information about facts and circumstances of illness.	18	25	72
3	Patient's strictness on prescription	7	10	70
4	Patient's capability to understanding the complexity involved in treatment.	1	10	10
5	patient demand on transparency of the procedure	5	10	50

**Table-2: Details about clinician's response by respondents.**

SI.NO	Information of the respondents	Positive response	Number	Percentage (%)
1	Clinicians reveals complete facts on problems and conditions of treatment	21	25	84
2	Incident of clinicians involved in medical negligence	NIL	25	NIL
3	Acceptance of patient opinion in diagnosis alignment.	14	20	70

**Table-3: Patient disagreement with the way of treatment.**

SI.NO	Information of the respondents	Positive response	Number	Percentage (%)
1	Without medical negligence	6	10	60
2	Due to biological reason	3	10	30
3	Inherent risks in the procedure	1	10	10

## DISCUSSION

The patient is always victim of medical negligence or improper or negligent treatment, while under professional medical care. No patient wants to stay in the hospital out of his free will but he is forced, as he does not want to lose his life or face any unexpected injury. However, the truth is medical negligence which often occurs in the hands of trusted medical professionals by way of careless decision that leads to injury, permanent disability or even deaths. Administering wrong type of medicine, or the wrong dosage, operating upon the wrong body part, medical mistake are happening every day.

In the present study out of 20 respondents i.e. 90% agree with the point that patients are able to furnish complete information about facts and circumstances of illness. Regarding the prescription and instruction as to the procedure 70% express their views affirmatively. Similarly 50% of the respondents express their viewpoints affirmatively on the issues of their accountability and transparency of treatment and all the respondents express their views negatively on the issue

of whether a patient's is capable of understanding the risk and complexity involved in the treatment. So, it is observed that the patient does not have knowledge of medicine and incapable to understand the nature, consequences and complexity involved in the procedure (Table 1). A total 84% of the respondents in an opinion that they do find adequate time to explain the problems and conditions of treatment procedures and remaining 16% assumed that they do not have sufficient interactive time to know the treatment details due to work load, overcrowd, inadequate health care personnel and due to illiteracy of patients. All the respondents express their opinions negatively on the issue of any medical negligence committed by the clinicians (Table 2 &3).

## CONCLUSION

Medical laws and regulations are not being implemented among clinicians in their letter and spirit due to lack of awareness. The health care providers exhibiting low degree of understanding of laws which are directly related to their profession. The lack of awareness of medical laws and regulations raises doubts

over the conduct of health care providers. The present study suggests various causes for medical negligence such as exorbitant fees, failure to fulfil the patient's expectations, inadequate use of medical technology, and change of the physician during treatment and inadequate information given to patients over medication. This study indicates the lack of awareness of important and fundamental human rights of patient raises serious questions about the violation of human rights of patients specially the patients belongs to rural areas.

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