

Assessment of Knowledge and Attitude about Medical Negligence and Law Related Medical Practice among Para-Clinical and Clinical Medical Students

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ABSTRACT

Background: Knowledge of medical negligence and law related medical practice is mandatory for all healthcare professionals. The objective of the study to gaze the extent of knowledge and attitude of undergraduate medical students regarding this.

Materials and methods: A cross sectional survey was conducted during the period from July to October 2023 on 300 para-clinical and clinical medical students of Chattagram Maa-O-Shishu Hospital Medical College (CMOSHMC). A pretested questionnaire was used and data analyzed by SPSS V.22.

Results: Out of 300 respondents from medical students of phase II, phase III and phase IV MBBS, the number of students were predominantly female and religion were Islam. The age range of the participants was from 20 – 25 years.

Conclusion: The undergraduate medical students had a reasonable knowledge and positive attitude towards medical negligence and law related medical practice. However, the teaching of medical negligence and law related medical practice should be part of the medical curriculum to strengthen these attitudes. This will expose the students to the training classes using real case scenarios, workshops and seminars on medical negligence and law related medical practice, so that once they become doctors, they are not face difficulty in dealing with ethical issues.

Key words: Attitude; Knowledge; Law; Medical practice; Medical negligence; Medical student.

Introduction

Medical negligence is defined as absence of reasonable care and skill or willful negligence of a medical practitioner in the treatment of a patient, which cause bodily injury or death of the patient.¹

The knowledge of medical negligence is essential for maintaining the patient doctor relationship and prevent the commercialization of the profession.² The changing doctor-patient relationship and commercialization of modern medical practice has affected the practice of medicine. Patient suspects negligence as a cause of their

suffering. There is an increasing trend of medical litigation by unsatisfied patients. The recent increase in litigation against doctors is an issue of immediate concern. Negative publicity in the media about the profession has done further damage. Moreover, doctor-patient confrontations have been increasing in the recent past.³ 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.

When a patient or in case of death any relative brings suit in a civil court for getting compensation from doctor, if he has suffered injury due to negligence which can be measured and compensated in term of money.⁴ For criminal negligence, the doctor may be prosecuted by the police and charged in criminal court with having caused the death of the patient by a rash or negligent act not amounting to culpable homicide shall be punished with imprisonment up to 2 years or with fine or with both (Section 304A IPC).⁴

The Consumer Rights' Protection Act (CRPA) 2009 has the provision for a patient to file a suit in the case of negligence in the service provided by the hospital or member of the medical profession. The law is not made to punish all health professionals that cause injury to patients; it is concerned only with right to consumer education. In relation to medical services, the CRPA covers problems pertaining mainly to informed consent,

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medical malpractice and product (Drugs, medical equipment) liability.⁵ The law relating to malpraxis is contained in sections 52, 80, 81, 88, 89, 90, 91, 92 and 304-A of the Indian Penal Code.⁶ 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.

The objective of the present study is to evaluate the knowledge about medical negligence and law related medical practice among para-clinical and clinical medical students at Chattogram Maa-O-Shishu Hospital Medical College (CMOSHMC).

Materials and methods

A cross-sectional survey was conducted on 300 para-clinical and clinical medical students of Chattogram Maa-O-Shishu Hospital Medical College during the period from July to October 2023. Self administered english version questionnaires related to medical negligence and law related medical practice were distributed and students were asked to fill up those. According to the data obtained, these were analyzed to know the knowledge about medical negligence and law related medical practice. Willingness to participate in the survey was recorded before initiating the questionnaire. They were informed that the questionnaire is a part of the study and they were free to accept or deny completing it. The received responses were tabulated and statistically analyzed. Results were tabulated and analyzed using SPSS software version 20.0.

Results

Out of 300 medical students of phases II, III and IV of MBBS, the majority were predominantly female and their religion was Islam. The age range of the participants was 20–25 years.

Table I Gender of medical students (n=300)

Year	Gender	
	Male	Female
3 rd year	35	65
4 th year	33	67
5 th year	32	68

Table II Age distribution of different year medical students (n=300)

Age in years	3 rd year	4 th year	5 th year	Total
20	2	1	2	5
21	34	6	0	40
22	43	31	6	80
23	21	47	43	111
24	0	11	34	45
25	0	4	15	19
Total	100	100	100	300

Table III Medical student’s attitudes about medical ethics (n=300)

	3 rd year		4 th Year		5 th year		Total percentage	
	Yes	No	Yes	No	Yes	No	Yes	No
1. Are you in favor of an ethical practice?	100	0	100	0	100	0	100%	0%
2. Do you know about medical law and its negligence?	73	27	75	25	81	19	76.3%	23.7%
3. Are you taking precautions to prevent charge of negligence?	82	18	85	15	89	11	85.3%	14.7%
4. Do you feel CME in relation to MLC and medical ethics in regular interval made confident to handle the MLC properly?	81	19	79	21	96	4	85.3%	14.7%
5. Do you feel 15 days’ Forensic Medicine duty during internship to be made mandatory to handle the MLC properly?	85	15	87	13	90	10	87.3%	12.7%

Table IV Medical student’s knowledge about medical negligence and law related medical practice (n=300)

	3 rd year		4 th year		5 th year		Total percentage	
	Yes	No	Yes	No	Yes	No	Yes	No
1. Are you taking precautions during handling medico legal cases?	90	10	97	3	97	3	94.7%	5.3%
2. Are you taking proper consent before any examination or procedure?	91	9	95	5	98	2	94.7%	5.3%
3. Do you think consent and documentation can prevent a charge of negligence?	80	20	85	15	87	13	84%	16%

		3rd year	4th year	5th year	Total percentage
4. Are you aware of International format of Death Certificate ?	Yes	62	69	70	67%
	No	38	31	30	33%
5. Do you favour EUTHANASIA ?	Yes	35	34	32	33.7%
	No	65	66	68	66.3%
6. Do you think "RED CROSS" emblem is the right of the doctors ?	Yes	58	55	52	55%
	No	42	45	48	45%
7. Do you identify a situation involving medical negligence ?	Yes	75	78	82	78%
	No	25	22	18	22%
8. Do you think inclusion of medical practice in CRPA (Consumer Rights Protection Act) made the practice defensive ?	Yes	72	77	83	77.3%
	No	28	23	17	22.7%
9. Do you know about vicarious liability ?	Yes	85	90	92	89%
	No	15	10	8	11%
10. Do you think dichotomy is useful in medical practice ?	Yes	25	22	18	21.7%
	No	75	78	82	78.3%

Discussion

Total number of students were 300 (100 Males and 200 Females). Responding to the questions about the medical ethics, 100% of the participants favored an ethical practice. Similar findings were observed by Dash's study.³ When answering the questions relating to medical negligence and related affairs, 76.3% of the participants were well aware to the facts that what makes a practitioner negligent in the view of the patients. In Dash's study, it is 82%.³ 85.3% of them were taking proper precautions to prevent the litigations. As it is highlighted, 14.7% were not aware of their activities which would prevent them from negligence. Similar findings were observed by Dash's study.³ 85.3% had shown their eagerness to attend the CME in relation to medico-legal cases and medical ethics if conducted in regular intervals. In Dr. SKD study, all of them had shown their eagerness to attend the CME in relation to medico legal cases and medical ethics, if conducted in regular intervals.³ 87.3% of the respondents expressed their positive desire that 15 days duty in the Department of Forensic Medicine should be made mandatory during internship to handle the medico legal cases properly in future professional life. Similar findings were observed by Dashes study.³

Answering the questions about taking precautions while handling medico-legal cases, 94.7% of the total study group said that they were taking precautions while handling medico legal cases. In Dashes study it was 82%.³ Though 84% of the participants believed that proper consent and documentation would prevent a charge of negligence. Similar findings were observed by Dash study.³ But 5.3% of them were either not taking or reluctant to take proper consent before any examination or procedure. In Dash study, it was 16%.³ 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 for the best interests of social and professional justice.⁷

Almost every participant in this study had knowledge of informed consent and this is in accordance with the study carried by Heywood R. who found that 98% of medical students found it to be important and necessary for a surgical intervention.⁸ Consent requires that a patient fully understands the information given, but if the patient is debilitated due to a serious illness / mental condition, a suitable surrogate should make decisions.⁹ Among study participants, 33% of the participants stated that they were not aware about the international format of Death Certification. In Dash study it was 68%.³

Among study participants, 66.3% of them strongly opposed euthanasia in medical practice. In Dash study it was 85%.³ About the rights of being a registered medical practitioner, 55% of the total study group expressed their view that using "REDCROSS" emblem is the right of a doctor. In Dash study it was 43%.³ In Alex. et al. study, it was 49.7% among the interns and 50.3% among the residents.¹⁰ It was observed that 22% of them were not sure of identifying the medico-legal cases they come across. In Dash study, it was 16%.³ In Alex et al. study, it was 38% among the interns and 15% among the residents.¹⁰

77.3% of the participants strongly agree that inclusion of medical practice under the purview of CRPA had made it defensive medicine. In Dash study it was 69%. 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 CPA now cover deficiency of service by medical

professionals in such cases to provide remedies to the patients. 78.3% of the respondents strongly disagreed with the dichotomy in medical practice. In Dash study, it was 68%.³ Among study participants, 89% students knew about vicarious liability. In Alex et al. study, it was 43.5% among intern and 56.5% in residents.¹⁰

Conclusion

In conclusion, the undergraduate medical students had a reasonable knowledge and positive attitude towards medical negligence and law related medical practice. However, the teaching of medical negligence and law related medical practice should be part of the medical curriculum to strengthen these attitudes and to expose the students to the training classes using real case scenarios, workshops and seminars on medical negligence and law related medical practice, so that once they become doctors, they are not found deficient in dealing with ethical issues.

Recommendations

We suggest CME in relation to medico legal cases and medical ethics if conducted in regular intervals. We also suggest 15 days' duty in the Department of Forensic Medicine should be made mandatory during internship to handle the medico-legal cases properly in future professional life, to thereby the students will be able to make observations and come to conclusions in criminal matters or medico-legal cases.

Disclosure

All the author declared no competing interest.

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