

## The Law: Shouldn't it be a Mandatory Part of Medical Education and Clinical Practice?

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### Abstract

It is rightly said that every person should know the law of the land where they live. The doctors though practice the noble profession has not been remained untouched from the fire of legal litigations by opportunistic and ungratified patients. Health professionals are legally bound to accomplish the legal requirements before operating on a living person to save themselves from the future legal hassles if any unforeseen complication arises. Thus, the knowledge of legal provisions along with the knowledge of Medical sciences becomes the need of an hour which can be gained easily if it has been a part of their current education system. This communication enlightens the role of legal education in the medical curriculum for sustaining in the world of modern medical practice.

**Keywords:** Education; Medical Science; Medical Student; Medico-Legal Knowledge

### Abbreviations

ML: Medico-Legal; CPA: Consumer Protection Act

### Introduction

Emerging newer facets and dreadful trends in medico-legal (ML) matters captivate the common masses and causing disrespect and un-trust towards the health professionals. Sometimes the media and medical jousting projects the false image of doctors as an assassin and encourage the opportunistic patients to take advantage of such situation. Various mischievous and frivolous complaints have been filed against the doctors seems to be increasing especially in the developing and developed countries [1]. Though Medical ethics are usually followed all over the globe, each country follows their own laws and policies according to their customs, religious background, economics and standard and protocol of medical practice [2].

Saving a human life by a Medical professional is a noble cause. Though medicine is considered as a noble profession; it has been eclipsed with the enactment of Consumer Protection Act (CPA),

1986 and its application to the medical field. Medical science is not an exact science in its true sense and every individual may not respond the same as expected as after the treatment. Thus, the doctor may not be blamed if desirable results have not been achieved even after proper scientific treatment. Certain errors of judgement or difference of opinion might be expected between the two clinicians depending on their type and quality of education system, learning, training and practice of medicine. Such errors cannot be considered as negligence unless it has been proven as a breach of duty, lack of standard of care and damage in the nexus [3,4].

Certain questions arise regarding the legal awareness and utilization of legal knowledge among the medical students such as;

- Are the medical students or medical graduates aware about the law related to his/her profession?
- Should it be a responsibility of the doctor to know the law while treating a human being?
- Should it be a responsibility of the respective medical council to make the student aware of the medico-legal aspect of the medical profession?
- Why a medical student or a medical graduate is non-responsive or neutral to any ML matter?

- Are they responsible for medical negligence due to a deficit of ML knowledge and its application?
- Finally, who will be at the loss? A doctor or the patient?

Consumer Protection Act (CPA), 1986 is a part of public health medicine and have been limited its role to the exam questions and not beyond. The provisions of CPA, its three-tier redressal system and its applications have only been studied by the medical students from an exam point of view. The meaning of Doctor as a service provider and patient as a consumer has not been taken seriously till they face any complication or legal allegation. Medical students treat CPA as consumer law by easily forgetting their role as a health-care service provider in the present and in the future.

Majority of the students often give more importance to the topic which is related to their examination curriculum. In any stream of education, whether it be the arts, commerce, law or the medicine, students give additional weightage to the topics which are repeatedly asked in the past university examinations. Unless and until it became the part of the exam question, the topic of education will be no more interesting to the examinee, though it may be vital and related to the current burning issue of self-existence.

Previously, the treatment prescribed by their doctor was followed blindly with the sole trust and belief in the doctor. But in the era of advanced technology, internet and telecommunications; gaining information is no more a challenging task. Patients are becoming more alert, vigilant and educated regarding their disease and available treatment options. Sometimes, they suggest the treatment to the treating professional also. They knew and expect a certain standard of care, modern treatment options and they are at their will to choose one of the treatment plans suggested by their doctor. They have been well aware of the fact that paying the fees for the medical services opted; categorized them as a consumer and the doctor as a service care provider by CPA. Hence, if any foreseen or unforeseen complication arises; made them eligible to allege and drag the doctor in the courtroom for the charge of medical negligence.

Legal awareness not only saves the doctor's time and money but empowered them to withstand in society with the courage and mental stability. In a study Nash, *et al.* showed a definite improvement in the quality of patient care given by the health care workers when rendered them pre-vocational and vocational training about

the vitality and effects of ML issues [5]. An allegation whether it is true or frivolous, not only adulterate the professional life of the medical professional but also disturbs the personal life in the courtroom. To avoid the legal hassles and save oneself; knowledge of law and medicine is must for the upcoming medical graduate.

#### Measures to reform the medico-legal education among the health professionals:

- The inclusion of associated Acts, legal provisions and landmark ML cases in the curriculum.
- Make the medical students and professionals aware of the gravity and consequences of the ML case.
- Bridging the gap between theory and practical by organising moot courts and medico-legal debates for the medical students.
- Regular training workshops must be organized to update student's knowledge with regards to ML issues which will be necessary in order to ensure continuous improvement of the quality of health care delivery.
- Carrying out a regular systematic survey and studies to know the knowledge and awareness regarding ML issues in the medical students, doctors and medical teaching faculty.
- Inform the respective medical council or respective board and introduce the ML reforms in the syllabus for the student as a beneficiary.

#### Conclusion

It is crucial that the health care professionals must be aware and have knowledge regarding the Medical ethics, rights of patients, confidentiality and related medico-legal issues, especially in their student life because this will be reflected in their quality of care and the health outcomes provided by them to their patients. It is also important to introduce ML issues in health professional syllabus by combined efforts of council and faculty. Such ML knowledge will not only reduce the number of ML litigations but will also extinguish the mental and physical harassment of medical professional in the future.

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