

Awareness of Medico Legal Aspects of Clinical Practise and Common Medico Legal Issues among Medical Graduates

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Abstract

Background: Medical practitioner is expected to have skills and knowledge in his field along with legal aspects of practise of Medicine, various medico legal issues and management of such issues. The study will help us to know the areas of weakness with regard to handling of medico legal issues among the medical graduates and can suggest remedial measures to improve the learning process.

Method: Data will be collected by giving a printed questionnaire which consists of seventeen questions related to basic knowledge of medico legal issues and its management. This will be done only after taking consent. The participants are required to answer by agreeing or disagreeing the statements given or by giving simple answers to the questions. Data will be analysed using Microsoft excel & SPSS Software and results will be presented with frequency and percentage and will be illustrated within charts and tables. 120 medical graduates participated in the study and study showed an existence of gap in the learning and practical knowledge about medical legal issues and its practise.

Conclusion: Regular training to update the knowledge of medico-legal issues is necessary to ensure continuous improvement of the quality of health care delivery and better administration of justice.

Key words: Forensic Medicine, Medico legal awareness, Medico legal issues

Introduction

A Medico-legal case is a case of injury or illness where the attending doctor, after eliciting history and examining the patient, thinks that some investigation by law enforcement agencies is essential to establish and fix responsibility for the case in accordance with the law of the land. ⁽¹⁾ The decision to register any case as a medico legal case rests solely with the doctor who attends the case. A doctor must always exercise his judgement independently and with complete objectivity. To exercise this judgement, it is desirable that every medical practitioner should know various offences affecting human body as per law of the land. It is also desirable for the medical practitioners to know various acts, rules regulations and protocols related to procedures to be followed in the conduct of each and every medico-legal examination. In India these topics are included in the curriculum of Forensic Medicine and Toxicology.

This subject is currently taught during the second phase of MBBS course and extends for a period of eighteen months. Once they complete this phase they enter in to the final phase of MBBS course which is of twenty four months. When the medical students are graduated they are expected to judge, handle and follow the protocol for the medico legal cases based on their knowledge they acquired during their second phase of medical course.

A Registered Medical Practitioner has legal, ethical and moral responsibility to the society in their day to day clinical practise. So a medical practitioner is expected to have skills and knowledge in his field along with good ethical standards and legal awareness. ⁽²⁾ Lack of knowledge of Legal Medicine and legal aspects of practise of Medicine is an important issue that needs to be addressed. Hence a study is planned among the medical graduates who are getting trained in Jubilee Mission Medical College & Research Institute, Thrissur,

in Kerala.

Success of health care system not only depends on the medical knowledge, skills and attitude, also includes awareness on the legal, ethical and moral responsibility to the society. It is also pertinent that medical Profession is guided by various legal statutes. Ignorance of such legal statutes is no excuse for any dereliction of duty. Teaching of various legal statutes related to medical field, medico legal issues, protocols and guidelines to manage medico legal issues is required to equip medical practitioners with adequate knowledge which enables them to deal with various medico legal issues.^(3,4,5) This will help in application of medical knowledge in administration of justice. The present study is to assess the awareness related to handling of medico legal issues among the health care providers, which reflects both quality of care and administration of justice.

Objective of the study:

Objective of the study was to assess the awareness of medical graduates regarding medico legal aspects of clinical practise, common medico legal issues and guidelines and protocols related to such issues.

Materials & Methods

Descriptive Cross sectional questionnaire based study

Place of study: Jubilee Mission Medical College & Research Institute, Thrissur

Inclusion Criteria: Medical graduates completed Compulsory Rotatory residential Internship programme junior residents, Tutors and demonstrators.

Exclusion criteria: CRRRI trainees, MBBS students.

Data Collection and analysis:

Data was collected by giving a printed questionnaire which consisted of seventeen questions related to basic knowledge of medico legal issues and its management. This is done only after taking consent. The participants were required to answer by agreeing or disagreeing the statements given or by giving simple answers to the questions .Data was analysed using Microsoft excel & SPSS Software and results are presented with percentage and illustrated with tables.

Results

A total of 120 medical graduates were participated in the study. Out of the 120 graduates, 48 participants are doing their post-graduation. All 120 participants responded to all the questions in the proforma and the percentage of correct and wrong responses are shown in Table-1.

Table-1: Knowledge on Medico legal issues.

NO	Question	Number of correct responses	%	Number of wrongesponses	%
1	There is no stipulated time period beyond which an MLC cannot be registered	49	40.83	71	59.17
2	The decision to register any case as a medico legal rests with police and patients or his attendants.	76	63.33	44	36.67
3	All brought dead cases to the hospital need to be informed to the police by the attending doctor	77	64.17	43	35.83
4	Minimum age for giving consent for physical examination	25	20.83	95	79.17

Cont... Table-1: Knowledge on Medico legal issues.

5	When a 16 year old survivor of an alleged case of sexual assault is brought to hospital which agency is to be informed by the duty medical officer	45	37.50	75	62.50
6	When a case is examined for certification of drunkenness, Consent is REQUIRED/NOT REQUIRED if he is under arrest with a request for examination from a police officer not below the rank of Sub Inspector.(Circle the correct answer)	69	57.50	51	42.50
7	When an emergency procedure is required to save the life of a person who is unable to give consent (like unconscious person), whether the doctor will be legally protected if he performs the procedure without the consent of patient?	107	89.17	13	10.83
8	If a medical officer under the influence of alcohol treats a patient, it amounts to.....	66	55.00	54	45.00
9	While collecting blood sample from a person to estimate blood alcohol level, spirit is routinely used as an antiseptic	92	76.67	28	23.33
10	Routine samples to be preserved while treating a suspected case of poisoning are	76	63.33	44	36.67
11	While performing termination of pregnancy (as per MTP Act 1971), consent of pregnant woman alone is sufficient if she is above the age of 18 years and mentally normal.	94	78.33	26	21.67
12	Passive Euthanasia is legally permitted in India	30	25.00	90	75.00
13	When a medico legal case has been registered in a hospital, a fresh registration is not required in the institution where the patient is referred to for further management	60	50.00	60	50.00
14	Consent from the patient is mandatory during preparation of wound certificate by a medical officer	63	52.50	57	47.50
15	Which official is intimated for recording dying declaration	81	67.50	39	32.50

Questions to assess the usefulness of curriculum in the subject of Forensic Medicine & Toxicology were also included in the study. The opinion of the Medical graduates are shown in Table.2

Table-2: Opinion on curriculum

No		Yes	%	No	%
1	Is the curriculum you underwent sufficient to impart necessary information and awareness in managing common medico legal problems in day to day practise?	82	68.33	38	31.67
2	In the newly implemented Competency Based Curriculum, the subject of Forensic Medicine & Toxicology has been moved to final phase of MBBS course. Will it be helpful to the medical graduates for better alignment of medico legal knowledge and clinical practise?	105	87.50	15	12.50

Discussion

Registration of Medico legal cases:

There is no stipulated time period beyond which an MLC cannot be registered is a false statement but more than 50 per cent of the doctors responded to this statement by saying there is a fixed time for registration of medico legal cases. The decision to register any case as a medico legal rests with police and patients or his attendants is a wrong statement. The decision to register any case as medico legal rests solely with the doctor who attends the case. This was not known to 36.67 per cent of graduates. These two basic concepts in medico legal cases shall be known to each and every medical practitioner. When a medico legal case has been registered in a hospital, a fresh registration is not required in the institution where the patient is referred to for further management. Only 50 per cent doctors responded like this. The only duty of registered medical practitioner is a mention must be made in admission document that the case is already registered in the previous institution. If the case is not registered in the first hospital a copy of the reference letter shall be attached along with the medico gal certificate/ report.

Brought dead to hospital

All brought dead cases to the hospital need to be informed to the police by the attending doctor. The

time and date on which dead person was brought to the hospital, name of the accompanying person and alleged history shall be noted. It's the duty of the attending doctor to send the intimation immediately to the police and transfer the dead body to the mortuary. 35.83 per cent doctors considered this need not be informed to legal authority.

Consent for physical examination:

Only 20.83 per cent participants knew the minimum age for giving consent for physical examination is 12 years. As per section 89 of Indian Penal Code a Child below the age of 12 years and a person with mental illness cannot give a valid consent to suffer any harm which may result from an act done in good faith and for its benefit. ⁽⁶⁾

Reporting in sexual assault cases

When a 16 year old survivor of an alleged case of sexual assault is brought to hospital which agency is to be informed by the duty medical officer was a question asked in the study, only 37.50 graduates responded to this correctly. As per section 19 of the protection of Children from sexual offences act 2012, any person who has apprehension that an offence under this act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information

to the special juvenile police unit or the local police. ⁽⁷⁾

Examination of an arrested person:

Whenever an accused person under arrest is brought for the conduct of a medico legal examination with a requisition from a police officer not below the rank of a Sub inspector of police and such person refuses consent for the said medico-legal examination, the medical officer should examine the person even using reasonable force, as per provisions of Sec.53 of Cr.P.C. This is correctly given only by 57.50% medical graduates participated in the study.

Consent during emergency

When an emergency procedure is required to save the life of a person who is unable to give consent (like unconscious person), whether the doctor will be legally protected if he performs the procedure without the consent of patient? The answer is yes and response from 89.17 doctors was found correct. As per Section 92 of Indian Penal Code, consent is absolutely dispensed with when the circumstances are such as to render consent is not possible or when, in case of person incapable of assenting, there is not one at hand whose consent can be substituted. ⁽⁸⁾

Infamous conduct

If a medical officer under the influence of alcohol treats a patient, it amounts to Infamous conduct. 45.00 per cent medical graduates depicted this as Medical Negligence.

Samples in poisoning cases

Medical Officers should be aware of the importance of preserving the material objects like stomach aspirate, vomitus particles, blood, urine, faeces, remnants of food and medicine etc.. the examination of which may help to identify the injurious agent, in cases where such facts may have to be established in a Court of Law at a later stage. 63.33 per cent doctors correctly mentioned at least useful samples for poison detection. While collecting blood sample from a person to estimate blood alcohol level, spirit is routinely used as an antiseptic is a false statement and responded correctly by 76.67 per cent doctors. While collection of blood, the solution used to disinfect is iodine, ether or seventy per cent ethyl

alcohol, the sample may be mildly contaminated the sample and can give a deceptive high value. ⁽⁹⁾

MTP and consent

While performing termination of pregnancy as per MTP Act 1971, consent of pregnant woman alone is sufficient if she is above the age of 18 years and mentally normal. This is a true statement and is given correctly by 78% of doctors.

Euthanasia in India

Even though Passive Euthanasia is legally permitted in India by a recent verdict by the Supreme Court, 75 per cent of participants said it is not permitted legally in India. The intent to kill makes euthanasia as a crime under the Indian Penal Code till recently. But Supreme court in a landmark judgement on 9 March 2018 declared the right to die with dignity as a fundamental right and passed an order allowing passive euthanasia in the country and issued guidelines in recognition of "living will" made by terminally-ill patients.

Certification of injury

Physical examination of a person without his consent is assault except in situations specified by the Law. Hence consent should be obtained before conducting any medico-legal examination on the body of the person except in situations where the injured person directly comes to or is brought by anyone for treatment of injuries; poisoning etc. ⁽¹⁰⁾ 47.50 per cent graduates said consent is mandatory

Dying declaration

A dying declaration forms a basis for conviction without any corroborative evidence if it is reliable and truthful. A dying declaration recorded by a competent magistrate has a significant reliability or acceptability than oral evidence or a dying declaration recorded by the investigating officer. ⁽¹¹⁾ 32.50 per cent graduates participated in this study was not aware of this concept.

Usefulness of curriculum

From the above responses of medical graduates it can be stated that many gaps exists in their knowledge

about many important aspects of their day to day clinical practise related to medico legal issues. All the concepts which reflected in the questionnaire asked in the study are covered during second phase of MBBS in the subject of Forensic Medicine and Toxicology. 68% of doctors said the curriculum they underwent is sufficient to impart necessary information and awareness in managing common medico legal problems. But the result of the study does not support this view of the graduates.

Medical Council of India in 2019 implemented the competency based curriculum with a view to create an Indian Medical Graduate possessing requisite knowledge in skills, attitudes, values and responsiveness. The subject of Forensic Medicine and Toxicology extends over a period of two and a half years during the second and third phase of MBBS. The teaching learning of this subject is aimed at producing a graduate who can demonstrate a clear understanding of medico legal responsibilities in primary and secondary sittings. The Medical graduates who participated in this study were of the view that the newly implemented Competency Based Curriculum and the extension of the subject of Forensic Medicine & Toxicology to final phase of MBBS course will be helpful to the medical graduates for better alignment of medico legal knowledge and clinical practise.

Conclusion

Many gaps detected in the learning of the subject of Forensic Medicine and Toxicology and medico legal awareness after graduation. The competency based curriculum in the subject of Forensic Medicine & Toxicology which is introduced in the year 2019 may reduce the gaps in the learning and practising to a great extent. The internship programme must contain training programmes to make medical graduates aware of medico legal aspects of clinical practise and also to develop skills for medico legal examination and management. The post graduates students irrespective of their subjects shall be given training programs to improve their understanding of medico-legal responsibilities.

Limitations of the study: The study participants are graduates from a single institution and graduates doing their post-graduation in the same institution.

Ethical Clearance: Clearance has been obtained from the Institutional Ethical and Research Committee

prior to the study.

Conflict of Interest: None to be declared

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