

Prevention of Medicolegal Problems

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Let me start with a contradictory statement "Avoiding Medicolegal Problems in our branch of Obst. & Gynaecology is extremely difficult but at the same time simple enough, with proper thought".

It is extremely difficult because there are lot of unpredictable situations in our branch and things can go wrong inspite of our best efforts and this is very difficult for the patients to understand due to their limited knowledge of the medical matters.

But why I say it is simple to manage is, if we learn to put ourselves in the patients shoes, it is not difficult to understand why these medicolegal situations arise.

Why does the patient go in for legal solutions ?

It can be because:

1. She is angry and vengeful due to the pain and loss she has suffered.
2. It can be because there is loss of communication and failure to explain why the things have gone wrong.
3. It is because she is hurt due to rude behavior of the doctor or his staff.
4. She may want to recoup the financial loss she has suffered.
5. And of Course she may have been instigated by some of our 'Friendly' colleagues.

Thus, if we are able to relate to the patients view point it is not difficult to avoid Medicolegal problems and the guidelines emerge themselves for us to follow. To make it easy to remember let us start with:

A : Awareness: Be aware especially in a mishap situation may it be abortion, fetal loss, or any other adverse outcome of surgery. Think of possibility of litigation.

Attendance: Early attendance is vitally important. Patient

with pain or bleeding comes to the hospital. She is not attended to by any doctor, early. The problem starts there!

Also early attendance to the patients complaints in the Nursing Home is also important.

B : Behavior : Rude behavior of the doctor or staff is an obvious cause. But it may not be just behavior, indifference to the patient's complaint or not listening to patient's viewpoint, can be a start of a problem later.

C: Communication

Consent

Certificates

Communication: By communication we try to inform, instruct and persuade the patient. We also hope to inspire confidence. This can only happen if we are able to explain to the patient the need for treatment and how we plan to impart it and the risk involved. But we also must not forget that the communication should be a two way affair and allowing the patient to communicate can be the crux of prevention of Medicolegal problems.

Consent : Consent is corner stone of any Medicolegal Problem. Informed consent involves, Voluntariness, and capacity of the patient to give consent as well as knowledge or complete information to the patient regarding the type of treatment as well as risks and alternatives.

Certificates: Certificates for Medicolegal Problems. Giving false certificates is a criminal offense. It is important to identify the person. As well as, not to get pressurised, in changing the facts. There is an example of a doctor, who preponed the date on certificate of elective appendectomy on patients request and landed in jail, as the patient had committed murder before getting admitted to his Nursing Home.

D : Documentation: Documentation or records are mir-

ror of our action in the court of law. Records should be Correct, Complete, Contemporary and Chronological and they should Correlate when recorded by various doctors. Made up records can easily be made out and can be held as criminal forgery. Good records not only help the patients treatment but also come handy as our defensive shields in court of law.

E : *Ethics, Empathy, Explanation & Equipment*: Ethical treatment and empathy towards the ill patient always hold us steadfast in any Medicolegal Problem.

When things do not go as per patients expectations it is important to offer true and correct explanation to the patients. This helps them to keep their faith and confidence in us.

Having proper equipment like Oxygen cylinders, Boyle's machine, Pulse oxymeter etc. in the hospital is proof of our intention towards the duty of care.

F : *Finances* : Many times exorbitant charges or charges which patient feels are exorbitant can trigger off medicolegal dispute. Hence reasonable charges and proper explanations are always warranted.

G : *Goodwill*: It is not only important to have goodwill among patients and relatives but also among your colleagues and the community at large. Not commenting unnecessarily, adversely, about previous treatment given

by a colleague, is a point to remember in this regard

H : *Help*: One should not hesitate to seek help when needed as well as second opinion wherever deemed fit

'*Help*', also refers to the helping staff of our hospital. Junior doctors, nurses, even ayahs can land a doctor in trouble by inadvertent wrong comments about treatment or by hurting patient by their behavior.

I : *Investigations*: While treating a patient proper biochemical as well as other needed investigations should always be carried out.

There are many cases where courts have held doctors negligent for not resorting to investigations on time which could have helped in diagnosis and treatment.

J : *Judgement* : While treating a case and especially so in Obstetrics careful and considered judgement is vital.

K : *Knowledge* : To use proper judgement one needs proper knowledge. Updating ourselves with the newer and important developments in our field needs no emphasis.

I think, if followed, these, easy to remember guidelines, should enable us to avoid medicolegal problems. But finally one must agree that we also need some

Luck not to land with unforeseen mishaps !!