

Medico legal and Ethical aspects of Orthopaedic Practice

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Medico legal and Ethical aspects of Orthopaedic or Medical practice is now a days a very important subject. It is a hot cake of today and our profession is going through biggest turmoil in these days. This topic is most discussed and controversial topic today. It is also topic of interest to all of us. There are lot of issues in medical practice today ranging from patient's issues, government issues, lots of rules and regulations, changing social scenario, changing practice scenario etc. The globalisation of world and overuse of internet has brought many problems to our profession. People search on Google before coming to us and half knowledge is always dangerous. We have to face lot many queries and questions of the patients and relatives.

The technological advances in our field have made the treatment costlier and lack of insurance facilities in India are big curse to our profession as most of the times problems are due to bills of the patients.

The need for careful construction of professional ethics is also important and urgent as due to cut throat competition and struggle for existence our unity is at the stake. We do lot of unwanted and unethical things just for the sake of our practice.

The consumer protection act and the citizens charter on health services are also an important issue in our practice. We have to be very careful while treating the patients these days. The fear of litigations and assault on doctors is nowadays is a big medico legal issue in our practice.

If we go into the details of medico legal aspects of our practice, the rights of our patients must be known to us and we can categorise them like

1. Protect life and health.
2. Respect Autonomy.
3. Fairness and Justice.

The legal responsibilities of hospital are very important and we should understand that Hospital is public Institute and we deal with life and Death and hence we carry a specified responsibilities and liabilities within and outside the Hospital.

If we fail to comply with these responsibilities, we are

liable for legal action. The legal responsibilities are bound to different categories of people and Institutions by Contracts. Breach of any such contracts holds the hospital legally responsible.

There are many issues in medical practice and humanity is the most important aspect of our profession. clinical management should precede legal duties in trauma cases brought to treatment and consent is not that important if its life or limb saving situation.

Why should doctor take these duties seriously because we are regulated by various authorities like MCI/MMC(our professional bodies) and the law. The doctors may be sued in civil law for financial compensation and if the act is intentional, criminal law is applicable.

The various facts like self interest, trust and doctor-patient relationship are very important medico legal aspects of our profession.

The important issues in our practice can be summarised as-

- 1- MLC/Injury/Other Certificates
- 2- Disability Certificate
- 3- Pre Hospital Care And First Aid Issues
- 4- Consumer Protection Act
- 5- Consent and Related Issues
- 6- Moral and Ethical Aspects
- 7- Malpractice
- 8- Negligence(Civil/Criminal)
- 9- Mob Handling and Mob Psychology
- 10- Death in Hospital or Brought Dead
- 11- Assault on Doctors Etc

The MLC or injury certificate is very important document in court of law and should be issued with at most care and all the record should be documented and preserved properly for particular period. It should be given in prescribed proforma by the treating doctor and all injuries should be clearly mentioned in certificate and he should be able to defend his findings in court of law properly

The death on arrival is also an important issue in our practice and we have to deal with it very carefully we have to judge whether the death is natural or unnatural and post-mortem is must if death is doubtful. Mob handling and mob psychology is also an important issue in such cases. Proper communication and counselling plays an important role in such cases.

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Disability certificate is again very important aspect of our practice. Lot many patients come to us for disability certificates. we are not given training about disability certificates in our UG/PG. for all government schemes and benefits certificate from government hospital is must. we can give disability certificate only for motor vehicular accident claims in prescribed proforma. it is only our opinion or observation about this disability and court will not punish you for this, but you have to defend your say in court of law with calm and cool approach. we use NIOH guidelines for disability calculation. Don't get panic or irritated by questions of advocate. At the most court will reject your certificate. Don't issue certificate if you feel some wrong or ill intention of patients or relatives or for any other purpose than motor vehicle accident claim. Basically motor vehicle act is social act and court also has soft approach Just and Reasonable compensation is the principle of this act. Other factors are also taken in to consideration like job, number of dependable, age, earning of the person etc

Consumer protection act is a big threat to our profession. We have to take care of this in our practice. Professional indemnity insurance is must. Nobody is Mr. perfect and we have to defend our side in court of law perfectly. No loose comment about our colleague or his treatment. We must know that we are selling in the same boat and our turn may come. transparency in our treatment and proper patient counselling are very important, record keeping, and documentation will only speak in court of law. Proving negligence is the job of our opposition.

There are many other issues in our practice like proper consent, moral and ethical practice, malpractice, unity of our professionals, various government rules and regulations etc. in spite of all

these things we have to practice our noble profession without fear and we can do that if we follow certain guidelines and keep our moral high and do all the ethical things in our practice.

There are many legal issues surrounding our orthopaedic and trauma practice. we have to keep up to date knowledge of all legal requirements while practising. Ignorance about law is not acceptable at any cost and we have to comply with all rules and regulations and conditions of local legal requirements while practising

In nutshell, besides your clinical skills, there are four things that protect you from medico legal problems. They are-

- 1- Communication
- 2- Documentation
- 3- Communication of documentation
- 4- Documentation of communication

Finally, my take home message to all budding orthopaedic surgeons will be

- 1- Practice without fear
- 2- Litigations are part and partial of our/ any profession
- 3- Don't panic
- 4- Follow medical/legal and ethical rules of practice
- 5- Be transparent and honest to our profession
- 6- Don't over work
- 7- United we stand.

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