Medico legal Aspects of Urogynaecology

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Global situation..

• Hospital errors kill 4,550 people each year, equivalent to 13 jumbo jets crashing and killing all on each year. (Australian National Health and Hospital Reform Commission)

• The Medical Protective Association in Canada finds that about 1,000 legal actions are commenced against doctors for medical negligence each year.

• 24,000 people die annually due to medical errors in Canada (Canadian Medical Association)
Situation in third world countries

Burden of Pelvic Floor Health

- Women's health, and in particular their reproductive health, is severely affected by their
  - low familial and social status
  - Patriarchal perspectives
  - traditional values,
  - illiteracy,
  - poverty, etc.
Burden

• Pelvic floor health problem is a complex condition that is often kept in secret
• Shame of the condition affecting a sensitive part of the woman’s body.
• Women fear condemnation from their communities and families
• Discussion and debate surrounding the disease does not openly occur within the family and society.
• Women who suffer from pelvic floor problem continue to remain huge burden

Organization of Care

• Out of pocket expenditure
• Rampant malpractice
• Governance failure
• Corruption and commissions in the procurement of drugs and equipment and policy making have multidimensional impact on the quality of health services rendered.
Medical unaccountability

• Public and private health care system has been vulnerable to malpractices, errors and misconduct.
• Decline in the standards of medical ethics, substandard medicines
• Poor quality of training
• Profitmaking tendencies and excessive commercialization of the health sector are having an adverse effect on the quality of services.

• 80 per cent of nonsalary health funds never reach the local facilities globally, costing lives and leading to poor medication (World Bank)
• Heath service has also long suffered from this malaise.
• Poor services and medical negligence are interlinked, they can be attributed to corruption, mismanagement and political highhandedness, which continue to plague our public health institutions.
Rampant Commercialization

an inspection. They’d found that in the three days that the camp had ran, over 30 women had been operated upon—by a single doctor, in a single day. “The maximum number of operations that could be done in a day would be four or five at most...It’s terrifying to think of them cramming so many women into their schedule,” says Dr

Careless cuts

- Manish Gautam

she didn’t feel entirely well. “They didn’t allow us to stay after the second day of surgery,” Ganga recalls. “I was too weak to travel, and there were no hotels around. We had to stay under a tree for a few days more until I regained the strength to walk
• Doctors are manhandled and hospitals vandalised by family members medical negligence and underperformance

• In the absence of a legal mechanism to prosecute such incidents

• In a proper way, vandalism and strikes have been the only recourse to justice for victims of clinical negligence.
Our own creation....

• First we put doctors on the same pedestal as gods,

• when they fail we resort to our Neanderthal tendencies.
View of Doctor....... 

"Yeah, we tell patients all the time that they might die. Doctors are getting beat up all over the place when patients die. Who wants to take risks?"

"Every individual has the right to question their doctor about their health, diagnosis, prognosis, prescription and the benefits and side-effects of medical treatment. Furthermore, the individual has a right to compensation if they fall victim to medical malpractice."

View of public.........
"We are not gods," the doctor said. "At the end of the day, she might live or she might die."

TOP STORIES

Medical negligence painful to fight
WEENA PUN & MANISH GAUTAM
- POST REPORT

KATHMANDU, Four years ago,

MEDICAL NEGLIGENCE IN INDIA: A CRITICAL STUDY

Medical profession is the one of the noblest profession among all other profession in India. For a patient, the doctor is like God. And, the God is infallible. But that is what the patient thinks. In reality, doctors are human beings. And, to err is human. Doctors may commit a mistake. Doctors may be negligent. The support staff may be careless. Two acts of negligence may give rise to a much bigger problem. It may be due to gross negligence. Anything is possible. In such a scenario, it is critical to determine who was negligent, and under what circumstances.
In a country committed to the rule of law, such matters are taken to the court and judges are supposed to decide. However, negligence by doctors is difficult to be determined by judges as they are not trained in medical science. Their decisions are based on experts' opinion. Judges apply the basic principles of law in conjunction with the law of the land to make a decision. Reasonableness and prudence are the guiding factors.

Medical Negligence in Malaysia and Bangladesh: A comparative study.

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November 2001. The Federal Court finally delivered its judgement on the 29th December 2006. It can be seen that the entire litigation process for medical negligence case requires an average of about of a minimum period of 15 years, from the date of injury to the conclusion of the case.
Legal system

• National Consumer Disputes Redressal Commission in India deals with acts of medical negligence under the purview of clearly stipulated provisions in the Consumer Protection Act and Indian Penal Code
• At present, very long legal battle

Solution

• Creating a mechanism whereby medical grievances can be taken up
• Awareness of patient about medical negligence
• Open market without regulation: needs to be curtailed
• Prime onus lies on the state itself to enact strong laws and ensure a proper mechanism through which victims of medical errors can get speedy justice in a cost effective way
Safety check list

- Practice of WHO checklist
- Verification of patient identity - Poor
- Informed consent
- Full discussion with patient (sympathy and empathy)

Regulatory body

- Government
- Third party
- Separate body???
Training

• Standardization of training
• Regulation of practice (Hysterectomy by Orthopaedician in Bangladesh)

Conclusions

• To err is human, but mistakes of medical professional which result in the death of a person or permanent impairment can never be excused

• Government should show that it is capable of initiating the required legislation and mechanism to regulate acts of medical negligence