

Original Research Article

# Knowledge and awareness among general population towards medical negligence

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## Abstract

**Background:** Negligence is defined as doing something which reasonably competent people not suppose to do or not doing something which reasonably competent persons suppose to do.

**Materials and methods:** Present study was undertaken with aim to assess knowledge and awareness of general population towards medical negligence at Valsad. Total 100 people from general population were subjected to pre-tested and pre-validated questionnaire related to medical negligence after obtaining their informed written consent. Questionnaire contain 10 questions related to medical negligence with responses based on Likert's scale varied from strongly disagree to strongly agree. Responses obtained were tabulated in MS Excel sheet and analyzed via SPSS software.

**Results:** Out of 100 participants, 37% were between 31-40 years age group, 65% were male and 73% were married. Total 55% were agreed upon that failure to maintain a medical record by hospital is negligence. 33% were not sure about that doctor, nurse and management staff of hospital – anyone can be liable for negligence. 71% were agreed upon that performing operation without informed written consent is negligence. 31% were agreed upon that treating a patient without his consent is negligence. 48% were strongly agreed upon that carelessly leaving an instrument in patient's body after operation is negligence. 31% were disagreed upon that refusing to attend patient in emergency is negligence. 36% were agreed about that performing or helping for euthanasia is negligence. 72% were agreed upon that death due to negligence is punishable by court. 44% were agreed upon that compensation for negligence can be claimed in consumer court. 55% were agreed about that wrong diagnosis followed by wrong treatment is considered as negligence

**Conclusion:** Present study reflected that general population has quite a good knowledge regarding medical negligence which may increase gradually over a period of time due to news papers, internet

and other resources. Training programs should be conducted for them to bring true knowledge and awareness regarding medical negligence which indeed helps to them as well as practitioners.

## Key words

Knowledge, Awareness, General population, Medical negligence.

## Introduction

Negligence is defined as doing something which reasonably competent people not suppose to do or not doing something which reasonably competent persons suppose to do [1]. Professional negligence is defined as absence of reasonable care and skill, or wilful negligence by doctor during treatment of patient which may lead to physical injury or death of patient [2]. In current era, litigations and charges regarding medical negligence is increasing day by day. Many times it may be true or sometimes it may be false because of inadequate knowledge of general population regarding medical negligence. Most of the times, it may not come into picture as lack of awareness in general population regarding medical negligence. Present study was carried out with intention to know Knowledge and awareness among general population towards medical negligence.

## Materials and methods

Present study was undertaken with aim to assess knowledge and awareness of general population towards medical negligence at Valsad. Total 100 people from general population were subjected to pre-tested and pre-validated questionnaire [3-7] related to medical negligence after obtaining their informed written consent. Questionnaire contain 10 questions related to medical negligence with responses based on Likert's scale varied from strongly disagree to strongly agree. Responses obtained were tabulated in MS Excel sheet and analyzed via SPSS software.

## Results

Out of 100 participants, 37% were between 31-40 years age group and 23% were between 21-30 years age group. 65% were male and rest 35%

were female. 73% were married while 22% were unmarried as per **Table – 1**.

**Table – 1:** Socio-demographic pattern of population.

Age (in Years)	%
≤20	7
21-30	23
31-40	37
41-50	14
51-60	12
≥60	7
<b>Gender</b>	
Male	65
Female	35
<b>Marital status</b>	
Married	73
Unmarried	22
Widowed	5

Total 55% were agreed and 22% were strongly agreed upon that failure to maintain medical records by hospital is negligence. 33% were not sure and 22% were agreed upon that doctor, nurse and management staff of hospital – anyone can be liable for negligence. 71% were agreed upon that performing operation without informed written consent is negligence. 31% were agreed and 28% were not sure upon that treating a patient without his consent is negligence. 48% were strongly agreed and 46% were agreed upon that carelessly leaving an instrument in patient's body after operation is negligence. 31% were disagreed and 29% were agreed upon that refusing to attend patient in emergency is negligence. 36% were agreed and 34% were not sure about that performing or helping for euthanasia is negligence. 72% were agreed and 15% were strongly agreed upon that death due to negligence is punishable by court. 44% were agreed and 22% were strongly agreed upon that

compensation for negligence can be claimed in consumer court. 55% were agreed and 21% were not sure about that wrong diagnosis followed by wrong treatment is considered as negligence as per **Table – 2**.

**Table – 2:** Knowledge and awareness towards medical negligence and medico-legal issues.

Sr. No.	Questions	Response of general population (%)				
		SD	D	NS	A	SA
1	Failure to maintain medical records by hospital is negligence	3	4	16	55	22
2	Doctor, nurse and management staff of hospital – anyone can be liable for negligence	16	18	33	22	11
3	Performing operation without informed written consent is negligence	6	6	2	71	15
4	Treating a patient without his consent is negligence	10	26	28	31	5
5	Carelessly leaving an instrument in patient’s body after operation is negligence	2	3	1	46	48
6	Refusing to attend patient in emergency is negligence	12	31	17	29	11
7	Performing or helping for euthanasia is negligence	10	11	34	36	9
8	Death due to negligence is punishable by court	0	2	11	72	15
9	Compensation for negligence can be claimed in consumer court	5	10	19	44	22
10	Wrong diagnosis followed by wrong treatment is considered as negligence	4	12	21	55	8

(SD = Strongly Disagree, D = Disagree, NS = Not Sure, A = Agree, SA = Strongly Agree)

## Discussion

Making sue against doctor in name of medical negligence is widely accepted practice in general population for monetary benefit without actually knowing what medical negligence is and on the other way many true negligence cases remain hidden because of lack of awareness among general population. Present study reflected that general population has quite a good knowledge regarding medical negligence which may increase gradually over a period of time due to news papers, internet and other resources.

As per Article 51 A(h) of the Constitution of India, there is a moral responsibility on the doctor, and a legal duty of medical practitioner to maintain and preserve medical, medico-legal, and legal documents related to patients in the best interests of social and professional justice [8]. While answering questions about medical

negligence the general population answered them but when detailed has been probed about various liabilities and judicial system related to medical malpractice very few of the participants were able to answer. This indicated that general population have only a limited understanding about negligence and law and more efforts should be made to sensitize them about law and liabilities related to medical practice. Although a number of studies aimed at assessing the knowledge and awareness towards medical negligence have been published, but continuous assessment is still needed.

There is no clear cut law on patient’s care in Indian scenario; however fundamental rights enshrined in the constitution say that patient has a right of access to health care [9, 10]. The healthcare worker should take reasonably practicable steps to maintain a safe environment

for patients and staff in which patients can be offered treatment in accordance with the duty of care that is owed to them [9, 10]. If violence or aggression cannot be controlled due to incidence of negligence health care provider as well as general population must maintain their dignity and show humanism. The statutory duty of care is high and breach leads to a potential malpractice case. Health care professionals and health services must work together to develop strategies to prevent and manage the risk of occupational violence. [11-13].

Mostly respondents were aware about the knowledge of record keeping of the patients and results were in accordance to the study done in 2009 by Makhani C.S. in Indore [14]. Written records, including medical history, chart notes, radiographs, and photographs must be meticulous, and it is necessary for the documents to be signed and dated. Good number of participants in this study have knowledge of informed consent and this is in accordance with the study carried by Heywood R. in 2007 [15]. Consent requires that patient fully understand the information given, but if the patient is debilitated due to a serious illness/mental condition, a suitable surrogate should make decisions [10]. This data showed that detail knowledge regarding consumer protection act and its application is limited. Similarly limited awareness was seen among the study by Jasuma, et al. [16]. Other studies on health professionals by Sing K, et al. in Udaipur [17] and Jasuma, et al in Vadodara are also very useful [16].

Due to the limited knowledge by general population, there is an increased risk of unnoticed cases of malpractice, especially from complex case situations. In addition, the expanding patient population is becoming more knowledgeable and aware of their rights, consequently taking action by contacting the consumer forum to lodge their complaints even in non negligence cases due to lack of adequate knowledge [18].

## Conclusion

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Present study reflected that general population has quite a good knowledge regarding medical negligence which may increase gradually over a period of time due to news papers, internet and other resources. Training programs should be conducted for them to bring true knowledge and awareness regarding medical negligence which indeed helps to them as well as practitioners.

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