



KNOWLEDGE AND AWARENESS OF CONSUMER PROTECTION ACT AMONG DOCTORS IN GAUHATI MEDICAL COLLEGE & HOSPITAL, ASSAM

Dr.(Mrs) Mousumi Krishnatreya

Associate Professor, Department of Community Medicine, Gauhati Medical College & Hospital, Guwahati

Dr. Rohit Kumar Sinha*

Post Graduate Trainee, Department of Community Medicine, Gauhati Medical College & Hospital, Guwahati *Corresponding Author

ABSTRACT

BACKGROUND: Consumer Protection Act (CPA), is an Act of the Parliament of India enacted in 1986 to protect the interests of consumers in India. Recently, In India, the medical profession has been brought under “Consumer Protection Act”.

OBJECTIVE: To assess the knowledge and awareness of Consumer Protection Act among doctors in Gauhati Medical College & hospital, Assam.

METHODOLOGY: A cross-sectional study was conducted among 200 doctors in Gauhati Medical college, Assam. A close-ended predesigned and pretested questionnaire was administered.

RESULTS: When queried about the correct time period during which a patient can sue a doctor, very few subjects (22%) answered correctly. Almost 90% of the subjects were taking some form of consent.

CONCLUSION: The results of the present review showed that a majority of the subjects were aware of the existence of CPA, but knowledge about the basic rules and regulations was lacking.

KEYWORDS : Consumer Protection Act, medical profession, knowledge, awareness.

INTRODUCTION

The doctor-patient relationship relies on mutual trust and conviction. The sole objective of a doctor is to improve the quality of life of the people and to mitigate sickness and suffering. The medical profession is not based on any mathematical laws, but it is a service-oriented, liberal profession, having a self-regulating code of ethics.¹ However, today with an increase in medical negligence and malpractices, this profession is looked upon with doubt and contempt.²

The Consumer Protection Act (CPA) 1986 is a generous social legislation that lays down the rights of the consumers and sees to the promotion and protection of the rights of consumers. As per CPA, there are six rights of a consumer: Right to safety, Right to choose, Right to information, Right of education, Right to be heard, and Right to seek redressal. The provisions of consumer protection act now covers deficiency of service by medical professionals in such cases to provide redresses to the patients.³

The law is concerned only with negligent acts. Doctors should be clear while taking the cases, they must decide whether to undertake the case, what treatment to give and they must take care in the administration of that treatment. A breach of any of these duties gives the patient a right to act for negligence. ⁴ It is estimated that 98,000 people die every year in the USA because of medical professional's mistakes; we can as well imagine the figures in India.⁵

The present study has been done to assess the knowledge and awareness of Consumer Protection Act among doctors in Gauhati medical college & hospital, Assam.

OBJECTIVE

To assess the knowledge and awareness of Consumer Protection Act among doctors in Gauhati medical college & hospital, Assam.

METHODOLOGY

A Hospital based cross-sectional study was conducted in Gauhati Medical College and Hospital, Guwahati among doctors of Gauhati Medical College & Hospital, Assam. The study period was from 15th April, 2017 to 15th June, 2017. A Purposive sample size of 200 doctors was taken and Convenience sampling technique was used.

Inclusion Criteria - All the doctors of Gauhati Medical College, Guwahati, Assam, having either provisional or permanent registration. **Exclusion Criteria**- Doctors who were not willing to participate were excluded from study.

Data collection technique- Pre-tested, pre-designed questionnaire

containing close ended questions was administered to doctors. The names of the respondents were not included in the questionnaire.

Data analysis – The data obtained was analysed statistically and has been represented by simple table and bar diagrams.

Informed consent was taken from each study participant.

RESULTS

In this study, all of the respondents have heard about Consumer protection act while 88 % knew that Medical profession falls under CPA. Only 28% of the respondents knew that the person who makes payment will also be considered as 'consumer' and 52% knew that in case of death of a patient who is a consumer, his/her legal heir will be considered as 'consumer'.

Table.1 depicts the distribution of respondents based on their correct knowledge of CPA and free service which shows that 72% of the respondents knew that those medical practitioners and hospitals paid by an insurance firm for the treatment of a patient are liable under CPA, 46% knew that hospitals having free patients (eg. BPL patients) are liable for those free category patients under CPA while only 30% knew that medical practitioners doing independent medical practice but rendering only free service does not comes under CPA. According to this study, 94% knew that medical negligence falls under CPA while 82% of the respondents knew that doctor will not be liable if inadvertent (unintentional) death occurs due to action taken by the doctor turns out to be wrong but in that situation, it seemed correct.

Fig.1 depicts that 68% of the respondents knew that there is no need for written consent for relatively minor examinations or therapeutic procedures (like blood grouping through prick), 96% of the respondents correctly knew that written consent is required for general anaesthesia, surgical operation and major diagnostic procedures while 90% of them had taken any form of consent when required.

Table 1 shows distribution of respondents based on their correct knowledge of CPA related to free service.

	Correct Knowledge	Incorrect knowledge	Don't know
Hospitals having free patients (eg. BPL patients)	46% (92)	20% (40)	34% (68)
Doctors doing independent medical practice but rendering only free service	30% (60)	40% (80)	30% (60)
Paid by an insurance firm	72% (144)	10% (20)	18% (36)

Figure 1- Distribution of respondents based on their correct knowledge about written consent

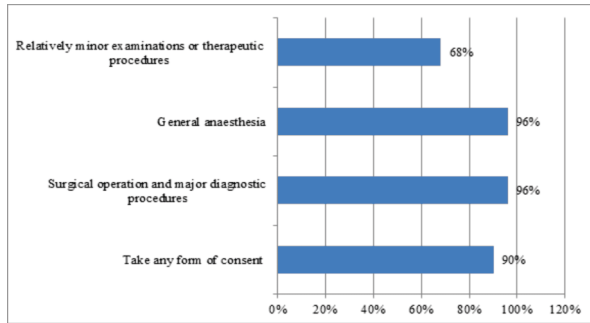


Table-2 shows that 86% of the respondents believe that doctor has a professional obligation to extend his/her services with due expertise for protecting life in situations where there is danger to the life of the person (emergencies), 84% believe that it is against professional ethics for a doctor to indulge in fee sharing with pharmacy, diagnostic centres etc while 44% of them didn't know that it is against professional ethics for a doctor to run a medical store for sale of medical and surgical instruments.

According to this study, 92% of the respondents knew that hospitals can be held responsible or liable for the negligence of their employees (doctors, nurses etc) and 56% of them believe that CPA forces the doctors to communicate better with the patients.

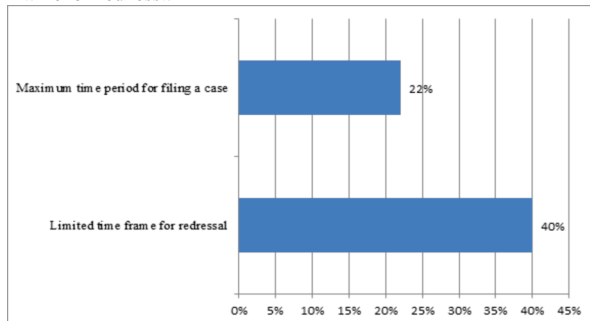
Fig.2 shows that 40% of the respondents correctly knew that there is limited time frame for redressal under CPA and only 22% correctly knew that there is maximum time period for filing a case under CPA i.e. 2 years.

It was also found that only 39% of the respondents correctly knew about the maximum compensation under CPA while 62% of them knew that complaint can be lodged without lawyer under CPA.

Table 2-Distribution of respondents based on their knowledge about professional ethics

Knowledge about professional ethics	Correct Knowledge	Incorrect Knowledge	Don't know
Professional obligation in emergencies	86% (172)	9% (18)	5% (10)
Indulge in fee sharing	84% (168)	10% (20)	6% (12)
Running a medical store of medical & surgical instruments	56% (112)	32% (64)	12% (24)

Fig.2- Distribution of respondents based on their correct knowledge about time period for filling the case and limited time frame for redressal



DISCUSSION

Negligence in the medical world has assumed great importance in relation to the medical malpractices suits in various countries in Asia, Europe, USA and more so in India. In the area of patient-doctor relationship two important models dominate viz. one is based on paternalism and other is founded on the doctrine of informed consent. According to Dworkin's standard definition of paternalism means "interference with a person's liberty of action justified by reasons referring exclusively to the welfare, good, happiness, needs, interests or values of person coerced." Nowadays, patients have become more

aware of their rights supplemented by modern legislation that has made the society increasingly compensation-oriented. CPA has been formulated to be customer friendly, as there is no court fee payment, the person can plead their own case, and the decision is taken within 3-6 months.⁷

In this study, poor awareness was noticed related to many aspects of CPA such as who will be considered as 'consumer' (legal heir in case of deceased and any person who made the payment), Similarly low knowledge scores regarding CPA was observed among dental practitioners in a study in Punjab.⁸ In the present study, very few participants had the knowledge about the maximum Compensation under CPA which can be claimed by the patient which is in accordance to some other study findings.^{8,9} This indicates the lack of complete understanding about CPA among medical professionals.

In this study, most of respondents were taking some form of consent when required which is in contrast to some other study finding in which lesser number of subjects were taking informed consent.¹ Majority of the participants had correct knowledge regarding the need of written consent (for eg. For general anaesthesia, surgical operation and major diagnostic procedures).

This study also reveals that only few participants had correct knowledge about maximum time period for filling the case and limited time frame for redressal under CPA. Lack of knowledge was also observed among respondents related to aspects such as CPA and free service as only few participants knew correctly that hospitals having free patients (eg. BPL patients) are liable for those free category patients under CPA and medical practitioners doing independent medical practice but rendering only free service are not liable under CPA. This might be due to deficiency in the Indian educational system which doesn't have much information on CPA in theory and its applicability in detail in the medical curriculum both in formal and informal ways.¹⁰

CONCLUSION

The results of the present study showed that a majority of the subjects were aware of the existence of CPA, but In-depth knowledge about the basic rules and regulations was lacking. There is a need to create awareness among doctors regarding CONSUMER PROTECTION ACT so that they will be able to communicate better with patients and thus practice safely.

LIMITATIONS OF THE STUDY

This is a study with relatively small sample size and hence it is difficult to generalize the findings for the entire country. Since it was a questionnaire study, knowledge and awareness regarding CPA among respondents may or may not be predicted, reflecting the inherent limitations of such studies.

Conflict of interest: No conflict of interest.

Funding: No Funding

REFERENCES

- Shenoy R, Kavya R, Harshvardhan A. Be aware or beware. Awareness of COPRA. Indian Association Public Health Dentistry 2009; 13: 25-9.
- Debarma J, Gupta N, Aggarwal NK. Consumer Protection Act-Blessing or curse to medical profession? Delhi Psychiatry J 2009;12:302-5.
- Viswanathan VN. Consumer Rights in Service Sector. 1st ed. India: Concept Publishing Company; 2008. p. 89-110.
- Rahman TA. Health and Law. Medical negligence and doctors' liability. Indian J Med Ethics 2005 Apr-Jun; 2(2).
- Kalantri SP. Medical errors and ethics. Indian J Anaesth 2003; 47:174-5.
- See generally G., "Dworkin, "Paternalism", Monist 1972; 56: 64-84.
- Consumer Protection Act, 1986, www.wipo.int/edocs/lexdocs/laws/en/in/in076en.pdf
- Gambhir RS, Dhaliwal JS, Anand S, Bhardwaj A. Knowledge and awareness of Consumer Protection Act among private dentists in Tricity, Punjab. J Family Med Prim care 2015;4:3 17-51
- Prasad S, Menon I, Dhingra C, Anand R. Awareness of Consumer Protection Act among Dental Health Professionals in Dental Schools of Ghaziabad, India. Oral Health Dent Manag 2013;12:262-8
- Deolia SG, Prasad K, Chhabra KG, Kalyanpur R, Kalghatgi S. An Insight into research Ethics among dental professionals in A Dental Institute, India- A Pilot Study. J ClinDiagn Res 2014;8:11-4