Medico-legal Issues in Anaesthesia

The prime duty of a doctor is to care for the patient. Any breach in the duty of care which results in an injury to the patient is called ‘negligence’ and if that results in serious morbidity or mortality of the patient, it is called ‘criminal negligence’.

With increased awareness among the public and health being perceived as a fundamental right, any obstacle in accessing it or breach in its delivery is viewed seriously. The tendency of the patients to sue doctors for their mistakes has grown high and this has strained the doctor patient relationship to a significant extent.

On the contrary, doctors have started seeing each patient as a potential litigant. In order to avoid getting sued, doctors spend huge time on explaining the details to the patients and documenting their conversation. Expensive and remotely useful investigations are done. Large sums of money are paid towards medical indemnity cover insurance. Whenever a complaint has been lodged against a doctor, though the plaintiff has to prove the negligence of the doctor, the doctor must also prove that he was not negligent. Hence the practice of medicine has become defensive.

With a rapid explosion of health tourism in India, it becomes part of essential practice to widen our knowledge on risk management in anaesthesia. The emphasis grows bigger with increasing litigations against medical professionals.

With an overview of the current systems providing limited professional indemnity cover in India, we focus on the existing lacunae in both individual and organisational practice. The lecture covers ethical issues inherent to anaesthetic practice, risk management strategies that are proven to work and scenarios with a legal outlook.

Advice on implementation of risk management strategies in an anaesthetic service, evaluation and monitoring of such practice are provided. Medical negligence litigation is a harsh reality which will always strike hard and the lecture aims to increase the awareness of the anaesthetic community towards a culture of ‘Be safe and keep safe’.
Dr Prabakar Dharmeswaran, MBBS, DA, FCARCSI
Consultant Anaesthetist
New Cross Hospital
Royal Wolverhampton Hospitals NHS Trust
Wolverhampton – WV10 0QP
West Midlands
United Kingdom