

Gone are the days when doctor was considered as an incarnation of GOD or at least next to God. The ancient system of practice of medicine in India was responsible for the above public opinion. Vaidyaraj used to practice this profession without any remuneration from the patient, but the whole society used to look after the needs (which were, no doubt, very meager) of the family of Vaidyaraj. Doctor was a respected person in the society.

Gradually the system went into oblivion and the doctor was required to look after the needs of his family himself. Hence, there was a need to earn money and hence collection of Tee.s from patients. There was, however, neither a fear in the mind of a patient of negligence on the part of the doctor, nor the doctor could dream of 'treating' the patient for unnecessary or imaginary illnesses and to charge the patient for the same.

With the evolution of the 'Civilization', the status of a person started getting evaluated on the basis of his bank balance, than on the qualities in him. Commercialization started setting in, even in the medical profession. Society started changing their perception of the doctor from a 'healer' to 'service provider', just like a carpenter, mason or plumber; 'you pay him money and he is bound to give you service to your satisfaction and commensurate with the amount paid.

Consumer Protection Act, 1986 was enacted to curb the unethical practices of other service providers but soon it was made applicable to the medical profession also. Examining the patient on the strength of various investigations rather than the clinical examination became the norm of the medical practice, and one who fails to fall in line with it started getting questioned for not doing so not only by the patients but also the courts.

The entry of corporate houses in the business of medicine worsened the situation. Rather than the doctors running the hospitals, CEOs and MBAs started running the medical profession and the focus was changed from giving efficient treatment to the patient to profit making. The hospitals changed to 5 star hotels concept. More and more costly gadgets were installed to attract the patients. To make good the expenditure on purchase, running and maintenance of these gadgets, the concept of their 'optimal' utilization was set in and hence targets were given to doctors for their utilization.

It increased the cost of medical treatment many folds and was the beginning of ordering unnecessary investigations and procedures. This increased the unhappiness of the

patients about the doctors, the hospitals and medical profession at large. Patients started looking to medical profession with suspicion with reciprocation by the doctors about the patients. Doctors and hospitals were dragged to the consumer forums, civil courts and even to criminal courts for negligence, deficient service or culpable homicide not amounting to murder. Doctors are manhandled, clinics ransacked and hospitals set on fire.

For a straight forward, honest doctor, it is a very gloomy situation. Few doctors on their own and few hospitals for achieving their business goals may be doing unethical activities and dragging even honest doctors in their net by offering incentives (cuts and commissions). However, large part of the medical profession even today is unhappy about such practices. There is no need to feel depressed or worried. Right thinking persons in the society and judiciary are still supporting the medical profession.

Landmark Supreme Court judgement by the bench headed by Chief Justice of India Mr. Lahoti in Jacob Mathew v/s State of Punjab has clearly stated that a patient with advanced cancer is likely to die in spite of due care and all such cases cannot be cases of negligence. Justice Katzu and Justice R.M. Lodha of The Supreme Court in a case Dr. Martin D'souza v/s Mohammed Ishfaq have upheld the decision of the doctor of using a particular antibiotic (though it has severe side effects) in a specific condition of the patient.

The Supreme Court in the Jacob Mathew case has categorically stated that police and court should not entertain a private complaint and arrest a doctor unless a credible opinion from an independent specialist is taken and a prima facie case established. Bolam Rule is an established principle in medical practice. Justice McNair in Bolam c/s Friern Hospital states that doctor needs to exercise ordinary skill of an ordinary, average competent man; a special skill is not expected to be exercised.

The doctors and hospitals suffer because of lots of things like the following - right from admission, the hospital staff behaves rudely, no one helps the patient, doctor does not have time to listen to patients' complaints, doctor is many a times busy on his mobile, when patient is talking to him, doctor does not talk to relatives, never answers their queries, asks them to keep away, doctor examines the patient in most cursory manner, even there is no examination at all (investigations are enough for the doctor to know the patient and his illness), there is no attempt to explain to the patient and his relatives

**1006** about the plan of treatment, doctor avoids telling the true condition of the patients' illness and gives false hopes of full recovery. In case of sad outcome, the doctor has no courtesy to share the grief. In such situations, how can we expect the patients/ relatives to be good, kind, respectful to us?

There is indeed no need to fear about. If you are good, competent, compassionate and an upright doctor, the patient and his whole family respects you. The family, even today, has faith in the doctor, but they are now more observant, smart, inquisitive and well informed because of internet. They, therefore, want to know as to what is happening. Therefore,

Be good by heart

Be a knowledgeable, competent doctor

Show empathy to the patients

Listen to the patients and relatives with interest

Take the patient and family into confidence

Explain your plan of treatment, plus/minus points in treatment

Make them party to the decision making process

Take informed consent

Be true in giving hopes and assurance

Discuss the improvements and deteriorations in patients' health from time to time

If required, share their grief; in short develop interpersonal relationship

Keep records of the treatment given, advises given, permissions sought

I am sure that if you act with these things at the back of your mind, you will always be respected and will never suffer any medico legal problems.

Wishing you a happy medical career!