

Consumer Protection Act (CPA Or COPRA) in Dental Practice

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Charaks's Oath (1000 B.C) and Hippocratic Oath (460 B.C.) illustrates the duties and responsibilities of the persons who adopt the Noble profession of Medicine. However, the events, which have been taking place in recent times, have raised doubts in the minds of members of society on the sincerity and commitment of those in the profession to adhere to these oaths. With commercialization spreading to all aspects of our lives, the health professions and services rendered by respective professionals are going through dramatic changes. The relationship between doctor and patient is based on trust and confidence. However, patients are sometimes dissatisfied with the treatment they receive from their dentists and the patient turns to a legally competent body, which can judge whether the complaint is reasonable or not. Earlier, the remedy for medical negligence was available only under the law of Tort. Now, it is possible to get speedy redressal under CPA for such negligence. The provisions of consumer protection act (CPA) now covers deficiency

of service by medical/dental professionals in such cases to provide redressal to the patients.

The CPA was passed by the Indian Parliament to safeguard and protection the interest of consumers. CPA aims at simplification of procedures for seeking redressal of grievances of patients or their relatives. The process can be initiated without any cost or without any court fee. As practicing dentists we must know the concept of dental negligence and relevant provisions of various laws enacted in this area which is of great concern to us. It was on 13th Nov. 1995 that the Supreme Court of India delivered the judgment on the application of the CPA, 1986 to the medical profession, hospitals, dispensaries, nursing homes and other related services.

Strengths, Weaknesses, Opportunities & Threats (SWOT) analysis of CPA:

SWOT analysis is the situational analysis in terms of strengths, weakness, opportunities and threats that can be studied for any questions.

SWOT Analysis of CPA

| Strengths | Weaknesses |
|---|--|
| <ol style="list-style-type: none"> 1. Valued as noble profession 2. Professional pride that doctors have 3. Giant strides in the medical profession 4. Government commitment to protect the Rights of the Consumers. 5. Strong consumer movement in the country. 6. The Hippocratic Oath that doctors Take at the time of Graduation. | <ol style="list-style-type: none"> 1. Highly technical orientation of the Medical field 2. Highly prevalent professional jealousy. 3. Growing commercialization of medical profession. 4. Inept medical record keeping 5. Lack of sufficient staff in the consumer Forums. 6. Attitude of lawyers in frequently asking for adjournments. 7. Huge back log in clearing medical cases in consumer forums. |
| Opportunities | Threats |
| <ol style="list-style-type: none"> 1. Growing patient consciousness for quality care. 2. Successful application of the CPA to other services/goods. 3. Possibility of strengthening of MCI/ DCI, Agreeing to the application of CPA 4. Realization of need for regular CME/ CDE programs. 5. Proven instances of medical negligence. | <ol style="list-style-type: none"> 1. Low level of awareness among patient. 2. Illiteracy and low socio-economic status of patients. 3. Exaggerated claims encouraged by mercenary type lawyers. 4. Tendency of insurance companies to opt for out of court settlements. 5. Growing urge to practice defensive medicine |

Through the Consumer Protection Act (CPA), better protection of the interests of consumers is insured and simple and quick access is provided to redress consumer grievances. This is done through quasi-judicial mechanisms set up at the District, State and National levels. Consumers can file their complaints which will be entertained by the quasi-judicial bodies - referred to as Consumer Forums

or Commissions. This act empowers the patient to file law-suits (in case of perceived negligence) in consumer courts. It is concerned only with negligent acts. Thus, there is a need to raise the awareness of health professionals in general and dentists in particular so that their increased professional concern and practice conforms to welfare of patients.

Remember... "Prevention is indeed better than cure"!!

Hence, the Best Insurance Policy for all of us health care providers is.....

THE 3 C's:

Care

Concern

Consideration

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