

Study the Awareness of 'Consumer Protection Act 1986' Among the Interns in a Medical College in Jamnagar: A Questionnaire Study

Trangadia Mahesh Mansukhbhai*, Bhuva Shailesh Dhanjibhai**, Kyada Hetal C.*, Vadagama Divyeshkumar Keshavjibhai**, Mashru Rajkumar Kirit***

Abstract

Background: A breach in a duty in respect to reasonable care and skill which result in injury to patient is now count as a failure to provide service to patient. Such act can result in a lawsuit against the doctor (service provider), under the Consumer Protection Act (CPA). *Material and Methods:* A present cross-sectional questionnaires study was undertaken to study awareness of Consumer Protection Act amongst intern working at M. P. Shah Govt. Medical Collage, Jamnagar during October – December 2016. *Results:* Out of total 110, males were 62 (56.36%) and females were 48(43.63%) with mean awareness score about CPA were 9.85 ± 3.95 and 10.16 ± 4.01 respectively with p value was 0.357 (not significant). *Conclusion:* CPA awareness was found to be low among both male and female interns. Therefore, medical professionals need to update their knowledge and understanding on CPA and its amendments to be on a legally safer side.

Keywords: Consumer Protection Act; Medical Indemnity Insurance; Negligence.

Introduction

As medical profession is converting into a big health industry, the relation between doctor and patient is changing as a service provider and customer. So it was felt that medical treatment should also be made answerable and doctors were covered by various laws. A breach in a duty in respect to reasonable care and skill which result in injury to patient is now count as a failure to provide service to patient. Such act can result in a lawsuit against the doctor (service provider), under the Consumer Protection Act (CPA) [1].

Public awareness of medical and dental negligence in India is growing. Hospital managements are increasingly facing complaints regarding facilities, standards of professional

competence and appropriateness of therapeutic and diagnostic methods. 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.

Before commencement of CPA all the disputes related to negligence of doctors or hospitals were filed under the relevant sections of Indian Penal Code to claim the damages or to get the negligent punished. These claims were time consuming and expensive. After the introduction of CPA drastic changes has occurred regarding referring claims to district, state, national forum [2]. As a result of all these, the knowledge of the CPA is must among all people who are related with health care sector.

Material and Methods

A present cross-sectional study was undertaken to study awareness of Consumer Protection Act amongst intern working at M. P. Shah Govt. Medical Collage, Jamnagar during October – December 2016. A self administered close questionnaires having 20 questions related to various aspects of CPA having two or four options were administered to all interns

Authors Affiliation: *Associate Professor **Assistant Professor ***Resident, Forensic Medicine Department, P.D.U. Medical College, Rajkot, Gujarat, India.

Reprints Requests: Mahesh M. Trangadia, Room No.16, Forensic Medicine Department, P.D.U. Government Medical College, Civil Hospital, Jamnagar Road, Rajkot, Gujarat-360001, India.

E-mail: dr.maheshtrangadia@yahoo.com

Received on 11.06.2017, Accepted on 28.06.2017

having basic medical graduate qualification i.e. M.B.B.S as a minimum criteria and those who were willing to voluntarily participate in the study. All interns were included who were posted in a M. P. Shah Govt. Medical College, Jamnagar during study period and interns who were not willing to participate in study were excluded from study. The questionnaire was design and printed. Ethical approval for the study was been taken from Ethical committee of M. P. Shah Government Medical College. Prior written consent was been taken from all participants before filling the questionnaire. The participants were received full explanation on how to fill questionnaire and answering of all questions are compulsory.

Information was collected regarding personal characteristics such as age in completed years, sex, and qualification and information on awareness about CPA including year of enactment, years of amendment, time limit for disposing off a complaint, amount of court fees charged & pecuniary jurisdictions, other powers to implement the provisions of the act, appellate authority etc.

The above information was collected by distributing questionnaires during above mentioned period and collected back immediately. The data was analyzed and tabulated as shown in tables. Score was allotted to each respondent depending upon marks obtained out of 20. Each question carried one mark. For each variable pertaining to respondents, the mean score was calculated and tabulated in front of each variable. After completing the data collection, data will be analyzed using SPSS software and evaluate for statistical significance of the study.

Results

The present study was carried out on 110 interns with minimum age of 21 years and maximum age of 24 years. It is evident from the table-1 that out of total 110, males were 62 (56.36%) and females were 48(43.63%) with mean awareness score about CPA were 9.85 ± 3.95 and 10.16 ± 4.01 respectively with p value was 0.357 (not significant).

Table 2 showed that out of 110, 54 interns (49.1%) had score between 35-50% among them 27 were male (24.55%) and 27 were female (24.55%). 15 (13.63%) male and 4 (3.64%) female interns were scored less than 35% and only 9 (8.18%) male and female interns scored more than 75%.

Table 3 shows that mean awareness score of introductory aspect of CPA, composition of Forum and power of consumer fora were more in male

compare to female While mean awareness score of Procedural aspect of CPA, Negligence and its preventive aspect were more in female compare to male, but these differences were not statistically significant. All male interns had knowledge that CPA applicable to medical professions while only 2 female interns didn't know about that. Most of the interns, 38 male (34.55%) and 33 female (30.00%) didn't aware about the when CPA was passed from Parliament. Only 19 male (17.27%) and 16 female (14.55%) interns were aware about when Supreme Court of India included medical services under the ambit of CPA. Most of the interns, 32 male (29.09%) and 28 female (25.45%) didn't aware about the number of member of State commission, while 34 male (30.91%) and 26 (23.64%) female were aware regarding the where to appeal against lower commission decision. it is clear from study that, 36 (32.73%) male intern and 34 (30.91%) female intern were aware about the time limit to file a complaint from date on which case of action has arisen. 29 male (26.36%) and 25 female (22.73%) had awareness regarding the maximum time limit for giving justice. Only 27 male (24.55%) and 21 female (19.09%) interns had aware about the time limit for appeal at higher level and 28 male (25.45%) and 28 female (25.45%) had aware about who can file complain under CPA. we can learn that, 32 male (29.09%) and 25 female (22.73%) intern know about the power of consumer forum are like civil Court. 36 male (32.73%) and 23 female (20.91%) interns were aware regarding the compensation amount power of various consumer forum. Only 24 male (21.82%) and 22 female (20.00%) inter were aware regarding who can recover the amount from the opposite party. only 29 male (26.36%) and 27 female (24.55%) interns were aware about IPC for criminal Negligence. 28 male (25.45%) and 22 female (20.00%) intern were aware about essential ingredients to prove negligence. Only 26 male (23.64%) and 25 female (22.73%) intern were aware regarding where to file case of alleged professional negligence. we can learn that 29 male (26.36%) and 28 female (25.45%) interns were aware regarding the defenses available for a doctor against allegation of negligence. 27 male (24.55%) and 27 female (24.55%) interns were aware about various factors that reduce the risk of litigation against doctor. 33 male (30.00%) and 25 female (22.73%) were aware regarding product liability. Only 25 male (22.73%) and 26 female (23.64%) interns were aware regarding which type of consent is necessary for treatment.

It can be observed that out of 110 interns who participated in study, 59 interns (53.64%) 33 male and 26 female had awareness regarding medical indemnity insurance (Table 4).

Table 1: Sex wise distribution of awareness about CPA

Sex	Participated N (%)	Mean awareness	SD	p value
Male	62 (56.36%)	9.85	3.95	0.357
Female	48 (43.63%)	10.56	4.01	
Total	110 (100%)	10.16	3.97	

Table 2: Sex and grade wise distribution of awareness about CPA (as per marks secured)

Grade	Male	Female	Total
< 35%	15 (13.63%)	4 (3.64%)	19 (17.27%)
35-50%	27 (24.55%)	27 (24.55%)	54 (49.1%)
51-75%	11 (10.00%)	8 (7.27%)	19 (17.27%)
>75%	9 (8.18%)	9 (8.18%)	18 (16.36%)
Total	62 (56.36%)	48 (43.63%)	110 (100%)

Table 3: Awareness about CPA by various aspects (mean scores):

	Mean Score		p value	Mean score
	Male	Female		
Introductory aspect of CPA	1.69	1.60	0.515	1.65
Composition of Forum	1.03	0.96	0.623	1.00
Procedural aspect of CPA	1.94	2.25	0.152	2.07
Power of consumer forum	1.48	1.46	0.892	1.47
Negligence	0.87	0.98	0.480	0.92
Preventive aspect of negligence	1.84	2.21	0.104	2.00

Table 4: Awareness about medical indemnity insurance

Sex	Aware N (%)	Not aware N (%)
Male	33 (30.00%)	29 (26.37%)
Female	26 (23.64%)	22 (20.00%)
Total	59 (53.64%)	51 (46.36%)

Discussion and Conclusion

The association between the doctor and patient is based on faith and confidence. Fortunate are the doctors of the past who were treated like God and were respected by the people. Today, we observe a rapid pace of commercialization and globalization in all the spheres of life and the medical profession is no exemption to this actuality. The CPA was passed by the Indian Parliament in the year 1986 to safeguard and protect the interest of consumers. Prior to enforcement of this Act, cases against doctors were decided by civil courts and even under the Indian Contract Act. But the disadvantage of the latter was high cost and the fact that it was more time-consuming [3] Advantages of CPA:

- Court fee is less.
- Speedy justice.
- Procedural simplicity.
- A nonintimidating atmosphere and encouragement to settle the case without too many formalities and lengthy procedures.

The best defence is avoiding the grievance in the

first place. Hence, medical persons need to update their understanding on CPA and its amendments to be legally circumspect. It is evident from this study that out of total 110 interns, males were 62 (56.36%) and females were 48(43.63%) with mean awareness score about CPA were 9.85 ± 3.95 and 10.16 ± 4.01 respectively with p value was 0.357 (not significant). 54 interns (49.1%) had score between 35-50% among them 27 were male (24.55%) and 27 were female (24.55%). 15 (13.63%) male and 4 (3.64%) female interns were scored less than 35% and only 9 (8.18%) male and female interns scored more than 75%. In Singh et al [4] study, the level of awareness about CPA was higher among males compared with females in both professions. It may be attributed to the fact that comparatively males devote more time to routine practice.

In the study of Kachare et al [5] observed that doctors belonging to para & non-clinical faculty had moderate to good knowledge compared to clinical faculty. Sikka et al [6] study revealed that only 14.3% of dentists in teaching institutions and 17.8% of dentists in private practice were actually having awareness of CPA greater than 75%. Gambhir et al [7] observed that more than 50% of the subjects had low

knowledge scores regarding CPA and in this more than 60% were graduate dentists and 47% were postgraduate dentists. Singh et al [4] found that the awareness on CPA among the private practitioners was higher in their study when compared to the academic or private clinicians. With the increasing knowledge, it was found that the PGs in Swapna et al³ study were significantly more aware compared to the interns. This might be due to the reason that with increase in knowledge, awareness also increases.

Present study showed that interns had less knowledge and awareness regarding introductory and compositional aspect of CPA while they were well aware about procedural and power of consumer forums. These findings were similar to observed by Kachare et al [5] and Sikka et al [6]. Santhosh CS et al [8] observed that the awareness of ethics among academic professionals is less. Though most of the doctors knew what CPA is but they did not have an idea as to the limitation period for filing a complaint by the patient. Haripriya et al [9] study showed that detail knowledge regarding aims and objectives of consumer protection act and its application was limited.

While answering questions about medical negligence, various liabilities and judicial system related to medical malpractice only less than half the participants were able to answer. This indicates that the interns had only a limited understanding about negligence and law and more efforts should be made to sensitize the students about law and liabilities related to their practice. This finding was also observed by Rai et al [10].

The process of taking consent builds a good rapport with the patient as we communicate with the patient regarding the particulars of the treatment, thus allowing the patient to express his/her opinion and apprehension. In this study, Only 25 male (40.32%) and 26 female (54.17%) interns were aware regarding which type of consent is necessary for treatment. Swapna et al [3] observed that nearly 38.11% of the participants considered that a consent form was necessary for every treatment provided for their patient. Haripriya et al [9] study showed that almost every participant in study had knowledge of informed consent.

Present study showed that 59 interns (53.64%) 33 male and 26 female had awareness regarding medical indemnity insurance which is a good sign. Kachare et al⁵ study showed that 82.43% doctors were aware about medical indemnity insurance.

References

1. Reddy KSN, Murty OP. The Essentials of Forensic Medicine and Toxicology. 33rd ed. New Delhi, Jaypee Brothers Medical Publishers (P) Ltd. 2014.p.649-651.
2. Subrahmanyam BV. Modi's Medical Jurisprudence & Toxicology. 22nd ed. New Delhi, LexisNexis Butterworths 2002.p.719-723.
3. Swapna LA, Koppolu P, Basil T, Koppolu D, Baroudi K. Awareness of Consumer Protection Act among the dental fraternity in India. J Orofac Sci 2016; 8(1): 27-33.
4. Singh K, Shetty S, Bhat N, Sharda A, Agrawal A, Chaudhary H. Awareness of Consumer Protection Act among Doctors in Udaipur city, India. Journal of Dentistry 2010; 7(1):19-23.
5. Kachare RV, Akhade SP, Rohi KR. Awareness about Consumer Protection Act among Junior Doctors. Journal of Forensic Medicine, Science and Law 2012; 21(2):1-8.
6. Sikka M, Anup N, Aradhya S, Peter S, Acharya S. Consumer Protection Act-Awareness? IJMDS 2012; 1(1):1-8.
7. 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):347-51.
8. Santhosh CS, Nawaz B. Perception of ethics & consumer protection act (cpa) among doctors. J Punjab Acad Forensic Med Toxicol 2013; 13(1): 25-27.
9. Haripriya A, HariPriya V. Knowledge about Medical Law and its Negligence among Doctors: A Cross-Sectional Study. International Journal of Scientific and Research Publications 2014; 4(5):1-3.
10. Rai JJ, Acharya RV, Dave D. Knowledge and Awareness among Vnterns and residents about medical law and negligence in a medical college in Vadodara- A Questionnaire Study. JDMS 2013; 3(4): 32-38.