

# Mlc Protocols and its Awareness among Dental Professionals – A Review

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**Abstract:- The golden rule for health care professionals today should be to have proper understanding of medical ethics, consumer protection act. Dental practitioners and surgeons are a liability as they can encounter medico legal cases anytime. Due to lack of knowledge among the health care professionals on medico-legal aspects, the efficient implementations and delivery of health care services gets haltered.**

## ➤ Purpose

The purpose of this review is to highlight the details of medico-legal cases, consumer protection act and awareness of ethical dilemmas and its implementation among the dental professionals.

**Keywords:-** Awareness, Consumer act, Ethics Liability, MLC

## ➤ Results

There is a need for the dental and medical professionals to update their knowledge about dealing with medico legal cases, medical ethics, current laws and latest consumer forum under consumer protection act.

## I. INTRODUCTION

Complete understanding of the medical ethics is very crucial in dental practice as to understand the decision of court, legislation and regulations<sup>1</sup>. Medico legal cases are cases of injury or illness where health care professionals are required to take a proper consent and history with examination of the patient following some investigations which is a necessity under the law. Patient reporting to hospital after accidents/incidents or brought to hospital by police must be registered under medico legal cases<sup>2</sup>.

Dental and medical ethics are declining because of profit –loss business and commercial marketing. Maintenance of records, follow-ups and proper history has been reported to have a very low incidence among health care professionals<sup>3</sup>. Oral and maxillofacial surgeons should have thorough understanding of recording and maintaining the medico legal cases and presenting them in the court<sup>2</sup> as they are most likely to encounter such cases throughout their professional career.

“Capacity” is the word used by the lawyers to decide whether the person is able to make important decision of the patient’s life, so the doctors should be aware and have proper competence for the assessment of the patient, detailed case history and in making informed decisions<sup>2</sup>.

Because of continuous changes in the legislations/laws, it has become difficult for the medical professionals to keep a track of the latest laws governing the ethics<sup>4</sup>. Medical and dental health care professionals should be prepared and fully aware of legal systems and laws of land.

## II. MATERIALS AND METHODS

An electronic and manual search was performed on Pubmed, Google Scholar and other databases on studies related to the topic of MLC. All the review articles, original researches and case reports were taken into consideration by the authors.

### ➤ Inclusion

The studies that had ethical clearance, registration and documentation of medico legal cases, informed consent by the patients followed by consumer protection act and laws and legislations under medical ethics were included in this review.

### ➤ Exclusion

Studies that were not categorized in above mentioned inclusion criteria were not considered in this study.

### ➤ What is ethics?

Ethics is defined as the science of the human character and behaviour in situations where distinctions must be made between the right and the wrong, duty must be followed, and good interpersonal relations maintained<sup>3</sup>.

### ➤ Consumer protection act

Consumer protection act was passed in 1986, India; for consumers who do not get standard quality of services after paying. This act was implemented to ban the unlawful and unethical health care practices in India<sup>5</sup>. In the year 1995, the honourable Supreme Court of India declared in their judgment on application of consumer protection act, 1986 to the medical or dental professionals, hospitals, dispensaries, nursing homes and all other health related services<sup>6</sup>.

### ➤ Medico legal cases registration

Registration of Medico legal cases is solely based on the speciality and the professional attending the case. Any request from friends and relatives accompanying the patient to not register the case as should not be facilitated. If the patient is referred from other hospital where the case was recorded as MLC, simultaneously it should be entered in patient referral records. Medico legal report should be thoroughly recorded with proper place, time, witness, and

should be attached with the referring notes if it has been missed by the previous hospital<sup>2</sup>. Casualty medical officer should be contacted at the time of recording medico legal case by the concerned doctor. If patient is under critical condition, police should be notified prior, with a request that concerned legal personnel should be summoned to evaluate and take patient declaration in case any death or any life threatening complication is suspected<sup>2</sup>.

➤ *Informed consent:*

Informed consent is mandatory for all medical and dental cases. The informed consent is basically person’s own decision about their health care that is made with knowledge of benefits and possible risks of the treatment procedure involved and are explained by the doctors prior to the procedure. Severe legal consequences may results if the doctor fails to take proper informed consent from the patient. In the court and tribunals Negligence, unprofessional conduct and misconduct has been found in improper informed consent cases<sup>1</sup>.

**III. DISCUSSION**

The awareness of medico legal aspects does not only rest with use in dental practice it also protects against commercial, legal and medico legal litigation. The profession should be looked into to correct distortion and malpractices which may give a negative impact on the profession<sup>5</sup>. Basic health care facilities, standards of professional competence of therapeutic and diagnostic methods are increasing trends of complaints which are faced by hospital management currently. Therefore an update in knowledge among health care professionals and the basic understanding on the importance of consumer protection act and its application should be followed to be on a legal and safe side<sup>5</sup>.

After regulation of consumer protection act in 1986 several negligence cases has been lodged against various health care professionals regarding poor standard of services<sup>7</sup>.

➤ *Test of Negligence*

• *The Bolam Test*

Mr Justice McNair, in his direction to the jury, said: [a doctor] should not be guilty of negligence if he has acted according to the practice accepted as proper by a governed body of medical professional skilled in this particular field. The principal criticism of the Bolam test is that it fails to conclude a distinction between ‘what is done’ and ‘what ought to be done’<sup>8</sup>.

**IV. MEDICO LEGAL REPORT FORMAT**

A medico-legal examination report comprises three limbs:

A. *Pre-Amble*

The medical report must contain date, time, place, how and in what condition the individual is brought with a detailed history written in report. If the person was accompanied by police then complete name, designation and

phone number of concerned authority should be mentioned in the reports.

B. *Observations*

General physical examination, all vitals, mental and physical level of orientation must be recorded in the reports. Full description of injury along with its dimensions should be mentioned.

C. *Opinion*

Opinion regarding type of injury, nature of weapon, clot formation, haemorrhage, abscess, colour of lesion and its variations on healing should be recorded. If injury cannot be identified, a radiologist should take the x-ray with MLC number written on it.

Road traffic accidents	Burn injuries due to any cause
Accidents unusually occurring in factory	cases of serious injury
Suspected or evident child abuse	Cases brought dead to hospital with improper, inadequate and incomplete history
Unconscious patients where the cause of unconsciousness is not clear	Cases referred from police or a court for some medico-legal needs
Suspected or evident intimate partner abuse	Suspected attempts at suicide
Suspected self-inflicted injuries	Suspected homicidal injuries
Suspected or evident poisoning cases	Cases suspecting sexual harrasment

Table 1. Cases to be registered as medico-legal cases (MLC) in general

Warrant in law means an issued legal document by government official authorizing the legal body to make an arrest, search premises, or carry out other required legal actions related to the administration of justice. If the person to who summons is issued; fails to appear and is proved to have been duly served with no reasonable excuse warrant can be issued against them<sup>9</sup>.

If the legal documents which are need to be produced in the Court of Justice is intentionally destroyed or lost and if the fake information is framed, the legally bound person or the institution shall be punished<sup>10</sup>.

Inappropriate wound description	Failure to relate outcomes of a case with clinical interpretation, before venturing to record findings resulting in wrong description of wounds in general and fire arm wounds in specific.
Ignoring stained clothing. Failure to preserve clothing where require	Ignorance leading to non-recognition of signs of physical abuse of children, elderly, intimate partner or spouses
Misinterpretation of physical injuries like description of an incised wound as a laceration, or fire arm wound as a laceration or an exit wound	Destruction of gross and trace evidences in the course of patient care

Table 3. Common errors committed in emergency department from the medico-legal point of view

In recent years, number of dental law solicitors has emerged in order to ensure negligence solution for doctors and patients e.g. dental law partnerships, Gordon dental negligence solicitor's etc<sup>3</sup>.

Maxillofacial surgeon should be notified and well informed with the following regulation of the Indian Penal Code (IPC) 1860 classifying a wound or injury into simple / grievous<sup>2</sup>:

Section 319, I.P.C—Hurt that leads to body pain or disease to any person.

Section 320, I.P.C- Following kinds of hurt are considered under grievances:

- Emasculation: It implies a loss of virility or loss of sexual power.
- Secondly-Permanent damage to the Sight of Either Eye : affecting the quality of life of a person by damaging the organ.
- Permanent damage to the Hearing of Either Ear: injury to the ear which is permanent.
- Privation of any Member or Joint: partial or complete damage of limb or a joint.
- Complete impairment of the strength of any members or joint: partial or complete loss of function of either limb.
- Permanent manipulation of the Head or Face: any injury leading to permanent scar on the face or any facial mutilation affecting appearance of the patient.
- Fracture or Dislocation of a Bone or Tooth: Any break in bone or tooth continuity that is appreciable on a radiograph can be treated as fracture.
- Any hurt which endangers life or which causes the sufferer to be, during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits: any dangerous injury that can cause threat to life or any injury that cause severe body pain in a period of 20 days.

According to Honourable high court of Andhra Pradesh it was declared that doctor's duty is to first attend the injuries of the patient present in front of him than to inform the police. First motive for the doctors should be to save the lives then to document clearly all the injuries in medico legal cases<sup>12</sup>.

➤ *Death of a person admitted as MLC*

- Should inform immediately to legal authority.

- Dead body should be send to the hospital mortuary for preservation, till the legal formalities are done and the police releases the body to the lawful heirs.
- Medico-legal post-mortem examination should be requested.
- Death certificate should not be issued - even if the patient was admitted.
- The dead body should not be released to the relatives; it should only be handed over to the legal authority present.

➤ *Admission and discharge*

In N. K. Kohli Bajaj Nursing Home, the Madhya Pradesh State Consumer Disputes Redressal Commission said that "issuance of the discharge certificate is the mandatory duty of the treating doctor and the Nursing Home/ Hospital and the non-issuance of the same amounts to grave negligence and deficiency (in service) on the part of the doctor and the hospital"<sup>14</sup>. Most hospitals have policy of maintaining all medico-legal records for variable periods. As per law, there is no specified time limit after which the Medico legal records can be destroyed. Henceforth they have to be preserved. In view of the multitude of cases against the doctors under the Consumer Protection Act, it is advisable to preserve all the in-patient records for a period of at least 5 years and OPD records for 3 years<sup>15</sup>.

## V. CONCLUSION

Correct interpretation of medico legal cases is very crucial and implements highest level of analytical ability and observational skills. Medico -legal cases has to be dealt properly according to the guidelines and orders of the Supreme Court under medical ethics. There is lack of knowledge about correct handling and managing of medico legal cases among the dental and medical professionals as it is not included as a part of their curriculum in any teaching institution or any big hospitals. Due to this the practitioner/health care professionals are not aware of the latest update of the laws and medico legal ethics. Health care practitioners must be aware of accurate documentation, timely information, a methodical and thorough examination-inclusive of all required investigations and referrals, consumer protection act ,importance of consent and the current legal system for managing medico legal cases along with medico legal ethics.

**REFERENCES**

1. Story RD. Medico-legal aspects of dental treatment of the ageing and aged patient. Australian dental journal. 2015 Mar;60:64-70.
2. Kedarnath NS, Shruthi R. Maxillofacial surgeon as fact witness for medico-legal cases: Indian scenario. Journal of maxillofacial and oral surgery. 2015 Dec 1;14(4):962-71.
3. Bhadauria US, Dasar PL, Sandesh N, Mishra P, Godha S. Medico-legal aspect of dental practice. Clujul Medical. 2018 Jul;91(3):255.
4. Senthilkumar S, Reddy VC, Ingle NA. Awareness of medico-legal issues among medical and dental college health professionals. Journal of Indian Association of Public Health Dentistry. 2013 Jan 1;11(3):44-50.
5. Ramachandrappa S, Sathyanarayan V. Awareness of Consumer Protection Act among medical and dental professionals-a cross sectional study from Davangere, Karnataka, India. Journal of Biomedical Sciences. 2015;1(3):14-9.
6. Paul G. Medical Law for dental surgeons. 1st ed. New Delhi, India: Jaypee Brothers; 2004. p. 75-90.
7. 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 (Tehran, Iran). 2010;7(1):19.
8. Samanta A, Samanta J. Legal standard of care: a shift from the traditional Bolam test. Clinical Medicine. 2003 Sep 1;3(5):443-6.
9. Edarnath NS, Shruthi R. Maxillofacial surgeon as fact witness for medico-legal cases: Indian scenario. Journal of maxillofacial and oral surgery. 2015 Dec 1;14(4):962-71
10. Kedarnath NS, Shruthi R. Maxillofacial surgeon as fact witness for medico-legal cases: Indian scenario. Journal of maxillofacial and oral surgery. 2015 Dec 1;14(4):962-71.
11. Gorea RK, Jha M, Jasuja OP, Vasudeva K, Aggarwal AD. Marvelous tools of identification—bite marks. Med Leg Update. 2005;5(2):61-4.
12. Singh AK, Singh K, Verma A. Study of medico-legal case management in tertiary care hospital. J Indian Acad Forensic Med. October-December. 2011;33(4):0971-3.
13. Harish D, Chavali KH. The Medico-Legal case—should we be afraid of it. Anil Aggrawal's internet. J Forens Med Toxicol [serial online]. 2007;8(1):15.
14. Shaki o, rai sk. An approach to medico-legal cases in Indian government hospital “do's and don'ts”. International journal of scientific research. 2018 sep 15;6(9).
15. Singhal SK. Singhal's The Doctor and Law.