

CERTIFICATE COURSE IN MEDICINE & LAW - FOR DOCTORS

MODULE 1: STANDARD OF CARE

PART I. BOLAMS LAW - THE ACCEPTED MEDICAL PRACTICE

- Chapter 1. Bolams Case
- Chapter 2. Diverse Medical Opinion & 'The Respectable Minority Rule'
- Chapter 3. Prevailing Practice (at the relevant point in time)
- Chapter 4. Locality & School Rule
- Chapter 5. Care expected from a specialist / bigger hospitals
- Chapter 6. Care of incompetent patients

PART II. MEDICAL SCIENCE

- Chapter 7. Role of medical science / literature
- Chapter 8. CME's and Regular Updates
- Chapter 9. Global Changes in Medical Science / Practice

PART III. FACING DILEMMAS

- Chapter 10. Dilemma on the course to be followed
- Chapter 11. Diverse Medical Opinion - Preferring / choosing from multiple options / next-best-option
- Chapter 12. Opting for the next-best-option
- Chapter 13. Dealing with requests / insinuations / demands of the patient
- Chapter 14. Differing with another doctors opinion
- Chapter 15. Deviating
- Chapter 16. Contradictions in medical literature
- Chapter 17. Conflict between medical practice and medical science
- Chapter 18. Absence of standard protocols / practices / guidelines

PART IV. COMPETENCY

- Chapter 19. Qualification / expertise / skill of a doctor
- Chapter 20. Patient/attendants request to accept/continue (non-emergencies)
- Chapter 21. Emergency patient outside expertise
- Chapter 22. Representing yourself before public / patients
- Chapter 23. Prescribing / practicing other pathies
- Chapter 24. Role swapping - Doctors, nurses, paramedics
- Chapter 25. Age and experience of doctor

MODULE 2: DUTY OF CARE

PART I. THE 'LEGAL' DUTY OF CARE

- Chapter 1. Doctor-patient relationship
- Chapter 2. When does the duty of care arise?
- Chapter 3. Screening of patient
- Chapter 4. Indirect duty of care
- Chapter 5. Absence of duty of care
- Chapter 6. Right to choose patient / refusal to treat at the outset
- Chapter 7. Refusal to treat only on religious grounds
- Chapter 8. Persons with whom a doctor / hospital had / has uncomfortable relationship
- Chapter 9. Cessation of duty of care
- Chapter 10. Withdrawing from the patient

PART II. EMERGENCY PATIENTS - THE MANDATORY DUTY OF CARE

- Chapter 11. The compulsion to treat
- Chapter 12. Standard of care expected during emergencies
- Chapter 13. Procedural formalities - Courts lenient attitude

- Chapter 14. Acting with a sense of urgency
- Chapter 15. Patient outside expertise
- Chapter 16. Fees
- Chapter 17. Telephonic instructions/ consultations
- Chapter 18. History
- Chapter 19. Investigations
- Chapter 20. Consent
- Chapter 21. Surgery
- Chapter 22. Hospitals
 - Chapter 22A. Hospitals - Lack of facilities / consultants
 - Chapter 22B. Hospitals - Transferring an emergency patient
 - Chapter 22C. Hospitals - Treatment by non-allopathic doctor with allopathic drugs
 - Chapter 22D. Hospitals - Medical records of OPD patients

MODULE 3: CONFIDENTIALITY

PART I. ISSUES IN CONFIDENTIALITY

- Chapter 1. Maintaining confidentiality
- Chapter 2. Need for confidentiality in medical practice
- Chapter 3. Commonest mistakes
- Chapter 4. Medicolegal reports
- Chapter 5. Statutory privilege from disclosure in courts
- Chapter 6. Information about dead patients
- Chapter 7. Exceptions to confidentiality
 - i. Consent of patient
 - ii. Court's order
 - iii. Criminal investigations
 - iv. Health care professionals
 - v. Legal duty to disclose
 - vi. Disclosure for purposes of research, statistical evaluation and education
 - vii. Insurance company or employers
 - viii. Managed health care
- Chapter 8. Excessive disclosures

PART II. HIV / AIDS PATIENTS

- Chapter 9. The legal and ethical dilemma
- Chapter 10. Disclosing HIV status to patient's sexual partner
- Chapter 11. Provisional diagnosis and disclosures

MODULE 4: CONSENT

PART I. ISSUES IN PATIENTS CONSENT

- Chapter 1. Consent - Patients right, Doctors duty
- Chapter 2. Is consent merely a formality?
- Chapter 3. Effect of consent on a doctor's actions / decisions
- Chapter 4. Responsibility to take consent
- Chapter 5. Types of consent
- Chapter 6. Prerequisites of a valid consent - Counselling and Disclosures
 - Chapter 6A. Effective tools for counselling
 - Chapter 6B. Elements of disclosure
 - Chapter 6C. Nature / procedure / purpose / benefits / effect of the therapy / intervention
 - Chapter 6D. Therapeutic alternatives / options
 - Chapter 6E. Doctor-specific information
 - Chapter 6F. Risk Disclosures

Chapter 7. Exceptions to obtaining consent

- Chapter 7A. Emergency
- Chapter 7B. Therapeutic privilege
- Chapter 7C. Waiver
- Chapter 7D. Criminal Cases
- Chapter 7E. Insurance
- Chapter 7F. Managed Health Care

Chapter 8. Emergencies

Chapter 9. Separate, specific and written consent

Chapter 10. No need for consent

- Chapter 10A: Post mortem
- Chapter 10B: Life support / Ventilator
- Chapter 10C: HPE
- Chapter 10D: Discharge
- Chapter 10E: Fees
- Chapter 10F: Telecasting / publishing / sharing

Chapter 11. Exonerating clauses / declarations

Chapter 12. Can medical records substitute consent?

Chapter 13. Does consent for a complicated method operate as consent for a comparatively simpler one?

Chapter 14. Dealing with non-availability of relatives / attendants for giving consent

PART II. SUBSTITUTED / PROXY CONSENT

Chapter 15. Adult, conscious and oriented patient

Chapter 16. Consent of parents / spouse / children

Chapter 17. Incompetent Patients

Chapter 18. Substituted / Proxy Consent - Government Hospitals

PART III. TAKING CONSENT

Chapter 19. What should be recorded?

Chapter 20. Consultant / surgeon for a specific period or only for a procedure / surgery

Chapter 21. Taking consent - Step-by-step

Chapter 22. Precautions in filling the consent form

Chapter 23. One person / one pen / one sitting - An unusual advice for filling the consent form

Chapter 24. Illiterate patients / Patients not conversant with English / literate person unable to sign

Chapter 25. High-risk consent

Chapter 26. Witness / Additional Consent

PART IV. INTERVENTIONS

Chapter 27. General Precautions for Procedures / Surgeries

Chapter 27A. Relapse / Recurrence

Chapter 27B. Multiple sessions / sittings

Chapter 27C. Multi-stage therapy / intervention

Chapter 27D. Re-exploration / Additional intervention

Chapter 27E. Damage / Removal of organs

Chapter 28. 'Extension' / Deviation / Alternative

Chapter 29. Corrective procedure / surgery

Chapter 30. Medical termination of pregnancy

Chapter 31. Sterilization Procedures

Chapter 32. Interventions where sterility is anticipated - Unusual law

PART V. DELAY / REFUSAL

Chapter 33. Delay in giving consent

Chapter 34. Refusal to consent

Chapter 35. Part / Modified Consent

Chapter 36. Advance Directives / Living Wills

PART VI. 'REAL CONSENT' IN INDIA

Chapter 37. Supreme Court rules for simple consent

MODULE 5: WHAT IS NEGLIGENCE

Chapter 1. What is Medical Negligence?

MODULE 6: CRIMINAL LIABILITY & ARREST OF DOCTORS

PART I. CRIMINAL LIABILITY

Chapter 1. Introduction

Chapter 2. Criminal liability of doctors in India

Chapter 3. Criminal medical negligence under IPC

Chapter 4. Other offences related to medicine under IPC

Chapter 5. Adulteration of drugs - An offence treated differently

Chapter 6. Criminal vis-a-vis Civil liability - Role of "gross"

Chapter 7. Relevance of fees

Chapter 8. Criminal Procedure

PART II. JACOB MATHEWS CASE - 3 IMPORTANT RIGHTS OF DOCTORS

Chapter 9. Facts of Jacob Mathew's case

Chapter 10. Private complaint to Criminal Courts

Chapter 11. Police complaint

Chapter 12. Arrest of doctors

Chapter 13. Newer offences of future

REFERENCE BOOK

PART I - THE INDIAN MEDICAL COUNCIL (PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS) REGULATIONS, 2002

Chapter 1. The Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002

PART II - PRACTICALLY USEFUL JUDGMENTS FOR DOCTORS

Chapter 2. Samira Kohli v/s Dr. Prabha Manchanda & Anr. (Supreme Court of India - 16.1.2008)

Chapter 3. Jacob Mathew v/s State of Punjab (Supreme Court of India - 5.8.2005)

Chapter 4. Pt. Parmanand Katara v/s Union of India & Ors. (Supreme Court of India - 28.8.1989)

Chapter 5. Bolam v/s Friern Hospital Management Committee (Queens Bench, England - 26.2.1957)

PART III - PROVISIONS OF INDIAN PENAL CODE RELEVANT TO MEDICAL PRACTICE

Chapter 6. Criminal Negligence

Chapter 7. Other Offences

Chapter 8. General Exceptions (Statutory Defences)