A good counseling can overcome legal problems

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Dear Sir,

In this era of commercial medical practice and growing medical negligence there is every possibility that a doctor may be sued in the court of law for negligence. The physician-patient relationship, barring a few instances, still remains cordial and on positive note. However, in such unwanted situations Doctors are always under stress due to court summons and constant financial loss arising out of legal counseling. For negligence, the attending doctor may be prosecuted under sections 336, 337, 338 or 304-A of Indian Penal Code. The consequences of negligence in India are also covered under Consumer Protection Act, to pay damages or may extend to criminal court also. According to Right to information originals has to be shown to the competent authorities as and when required. The Doctors have to be sensitive and aware of such eventualities.

To avoid all above circumstances, counseling of patient is needed. Counseling is very important on humanitarian basis and also for medico legal purposes as both the patient and doctor have their own rights and duties to perform and criminal and civil liabilities to carry out. In surgery, it is very important. When a patient comes to know that the only available modality for cure is surgery it poses psychological stress to the patient so, he/she tries to neglect the symptoms and never reports on time. Even in many cases they take recourse to other non-operative options available with traditional medical system. Thus wasting valuable time and

ultimately leading into various avoidable complications of surgical diseases. And a Doctor is liable even if he treats a patient under such adverse reporting.

What is Counseling

Counseling is a face to face communication by which we can help the person to make proper decision and act on it. It aims at imparting essential knowledge of disease, disease process itself, prognosis, probable outcome and various modalities of treatment, thus providing psychological support to the patients and their attendants. Counseling is a helping process, which brings about change in patient's attitude through a supportive relationship. It also makes the client confident of the process to be followed through the interpersonal contact, where he/she has the opportunity to ask questions and to meet frequently. Simultaneously the Doctor also has the opportunity of recording the various facets of the patient's disease thus getting rid of various medico-legal problems arising in surgical practice.

How to become a good counselor

1. Always welcome your patient
2. Make him comfortable.
3. Create confidence of patient in you and assure that confidentiality.
4. Always listen carefully to their problems.
5. Never interrupt him while talking.
6. Try to elicit more information regarding his problem.
7. Counsel over a number of times and be sympathetic towards patient, every time in case of patient planning for elective surgery.

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8. Provide information regarding all aspects of the disease and various treatment modalities (medical, surgical or conservative) and their prognosis.
9. Always help the patient to reach his own decision.
10. Regular follow-up and reassurance in post-op. period.

Proper counseling observed ethically will help the patient by providing proper information, health promotion, psychological support and acceptance for the disease. It along with accessibility, consistency and accuracy and confidentiality of surgeon can do miracles. This will help to build a good doctor-patient relationship and will minimize unnecessary medico legal actions against innocent surgeons. Apart from a good counseling a concise meticulous and adequate

record keeping is a must because only records can save any body in the court of law and nothing else.

Suggestions

Counseling can save surgeons from various mishaps of medical negligence as we have not being informed beforehand or in time and so on. So “Counseling is an art, one should cultivate in himself; it is a key for success and happiness.”

So its high time to seek a separate room for surgical counselor in the hospitals or better to cultivate this art in our self or to incorporate a separate subject in the medical syllabus.