

## Awareness of Consumer Protection Act (CPA) among dental fraternity of North India and its implications on the profession

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### Abstract

**Background:** Consumer awareness is emerging in the country, concepts are changing, laws are getting updated and consumers are getting more and more demanding. So it is essential on the part of medical professionals to have updated and adequate knowledge and awareness about CPA to give better services and prevent consumer disputes and further procure the necessary cues for handling of intricate medical cases.

**Aim:** To study the awareness among dental fraternity of North India regarding consumer protection act and its implications on the profession.

**Materials and Method:** A questionnaire having 32 questions was sent either via e-mails or by sending printed copies to 1000 dental professionals, while maintaining anonymity of all the participants.

**Results:** Majority (64.3%) of dental fraternity had good awareness level regarding CPA and most of them thought that it hampers the professional freedom. Few dentists thought that the CPA did not affect professional freedom. It may provide an opportunity to doctors to bring transparency in dental profession.

**Conclusion:** Most of the dental fraternity had good knowledge about consumer protection act.

**Keywords:** Awareness, Consumer Protection Act, Dental Fraternity, Implications, Dental profession.

### Introduction

The classical concept of a doctor-patient relationship born in the golden days of family physicians has undergone a radical change due to immense strides in medical technology, availability of sophisticated imaging systems, high tech electronics, and preponderance of new diseases. In the present era, health care has emerged as a profitable sector attracting investors from varied backgrounds.<sup>(1)</sup>

The practice of medicine in India has undergone considerable change during the last five decades effecting delivery of health in both positive and negative directions. As a result, it was felt that medical treatment should also be made answerable therefore, doctors were covered by various laws.<sup>(2)</sup>

Finally, it was on 13th November 1995 that the Supreme Court of India gave judgment on application of CPA, 1986 to the medical/ dental profession, hospitals, dispensaries, nursing homes, and other related services. This act enables the patient to file lawsuits (in case of perceived negligence) in consumer courts. It is concerned only with negligent acts.<sup>(3)</sup>

Medical negligence arises from an act or omission by a medical/dental practitioner, which would not have been committed by any careful practitioner. However, when the patients are not satisfied with the treatment they receive from their dentists, the patient turns to a legally competent body, which can judge whether the complaint is reasonable or not. In earlier times, the

remedy for medical negligence was available only under the law of Tort, but now it is possible to get redressal for such negligence<sup>(2,3)</sup> under CPA.

Consumer awareness is emerging in the country and therefore it is essential on the part of medical professionals to have updated and adequate knowledge about CPA to give better services and prevent consumer disputes. Studies on awareness of health professionals and in particular of dentists, about such laws, seems to be rarely reported.<sup>(2,4,5,6)</sup>

Hence, the present study was carried out to study the awareness among dental fraternity in North India regarding consumer protection act and its implications on the profession.

### Materials & Method

It was a cross-sectional questionnaire study conducted over a period of three months from June to August 2015. Clearance was obtained from institutional ethical committee. All the participants gave consent for being a part of the study.

A questionnaire consisting of 32 questions pertaining to demographic details (7), awareness (15) and practice (2) and implications (8) of CPA was developed for the study. All questions were close ended except the participant's demographics. A panel of experts in the field of law and epidemiology validated the questionnaire. A pilot study was conducted among 50 dentists who were not the part of main study sample

to test the reliability of the questionnaire. (Cronbach's alpha coefficient = 0.85).

Dental fraternity comprised of BDS final year, interns, PG's and Dental Graduates. List of dental fraternity was obtained from respective Indian Dental Association branches. Based on result of pilot study (margin of error=0.025; z-score= 1.96; prior judgment of correct value of  $p=0.2$ ) sample size of 983 was calculated (rounded off to 1000). Finally, 1000 dental fraternity were randomly included in this study; the questionnaire was sent either via e-mails or by sending printed copies while maintaining anonymity of all the participants.

Each correct answer was given score 'one' and wrong and don't know answers were given score 'zero'. The responses were further grouped into poor (score <6), fair (score 6-8), good (score 9-12) and very good awareness level (score >12).

**Statistical analysis:** Data analysis was done using SPSS version 20.0 (SPSS Inc., USA). The individual score was summed up to yield a total score. Chi-square test was used to find association between awareness and demographic data.

### Results

Response rate was 86%. The mean age of study participants were  $29.6 \pm 3.3$  years with 26.5% males and 73.5 females. The study population comprising of BDS students, interns, PG students, BDS and MDS doctors were 21.7%, 43.8%, 17.7%, 4.4% and 12.4% respectively. Two interns, 2 BDS and 7 MDS doctors were unaware regarding CPA (Table 1). MDS had highest awareness level followed by PG students. Males had higher awareness level as compared to females. However, the difference was not significant (Fig. 1, 2). Overall awareness level was found to be good among 64.3% of dental fraternity.

**Table 1: Awareness regarding CPA for each question**

Questions	Options	Response	Awareness
Which of following is NOT the aim and objectives consumer protection act?	Promotion and protection of rights of consumer	13.8	65.7
	Inexpensive settlement of disputes within 2 years of complaint (ideally)	65.7	
	Inexpensive settlement of disputes within 90days of complaint (ideally)	20.5	
Can a consumer lodge a complaint without presence of lawyer?	Yes	87.6	87.6
	No	5.2	
	Dont Know	7.1	
Where is consumer forum at District Panchkula located? (open ended questionnaire)	Correct	5.2	5.2
	Incorrect	94.8	
Who all are liable under consumer protection act? (options not shown in table)	Aware	51.9	51.9
	Unaware	48.1	
Can a patient sue a doctor for rejecting an emergency case?	Yes	87.1	87.1
	No	10.0	
	Don t know	2.9	
Can a patient sue a doctor for rejecting a medically compromised case?	Yes	64.3	64.3
	No	27.6	
	Don t know	8.1	
At which level should a compensation claim of Rs 25 lakhs be made?	District level	1.4	78.6
	State level	78.6	
	National commission	20.0	
The centre which the patient approaches to file a complaint is determined by?	The severity of clinical mishap	24.3	24.3
	The compensation consumer quotes	52.9	
	Don't know	22.9	
What is maximum time period within which a patient can sue the concerned doctor with evidence?	Within 6 months after treatment	49.5	19
	Within 2 years after treatment	19.0	
	Don't know	31.4	
What should a doctor do in case of mishap?	Explain and inform the patient	100	100
	Remain quiet	0	
	Threaten the patient	0	
For a patient 15 years of age, consent for examination is	Patient	14.8	100
	Parent/guardian	85.2	

taken from			
	Classmate	0	
Situations where consent may not be obtained	Emergency situation	47.6	41
	Information provided would not be processed rationally	5.2	
	Immigrants	6.2	
	All of the above	41.0	
What should be done to informed consent after treatment is over?	Given to patient	28.1	71.9
	Preserved by dentist	71.9	
	Discarded	0	
A doctor is liable for the negligence of his junior staff	Agree	74.3	74.3
	Disagree	25.7	
A consent is valid only when it is documented and understood by the patient/patient party	Agree	96.2	96.2
	Disagree	3.8	

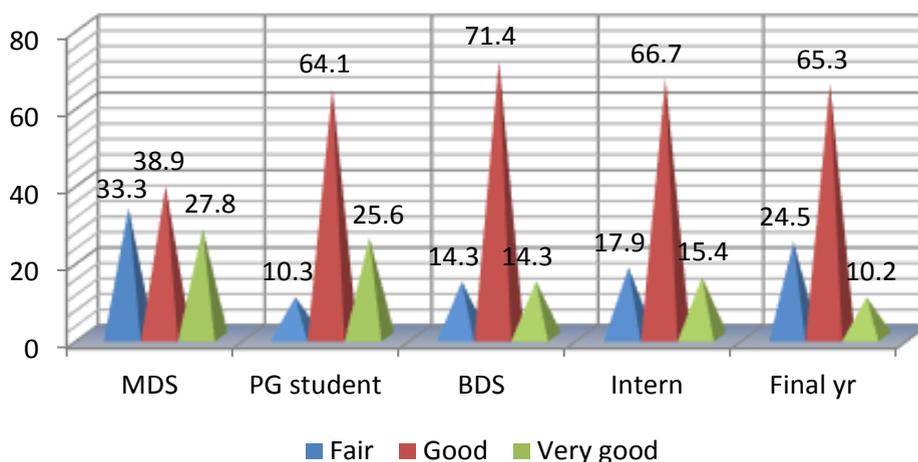


Fig. 1: Awareness of consumer protection act based on qualification

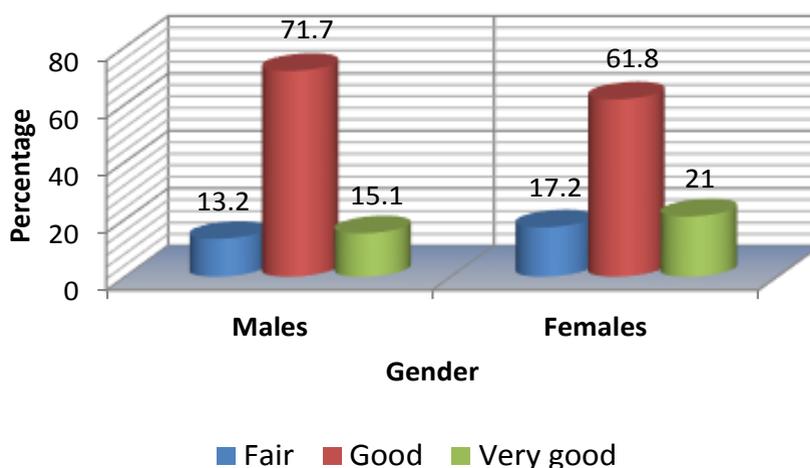


Fig. 2: Awareness of consumer protection act based on gender

Regarding subjects pertaining to practice questions, 29% of dentists made a note if attendant who were erring on any account, 29.5% of dentists always took a written consent. The perceived implication of consumer protection act on doctor, patient and on medical practice is also highlighted (Table 2). Most of doctors (>90%) felt that CPA enables the doctors to communicate better and also give rise to efficient patient care. On the other hand, a majority

(>70%) of participants did feel that CPA hampers the services provided by the doctor, makes doctor practice defensive medicine and there is filling of false and vexatious complaints. When the participants were asked about implications of CPA on Medical Practice, they told that CPA causes commercialization in practice and increases insurance coverage. Majority (71.9%) of participants felt that government has established clear standards for regulation of health care services.

**Table 2: Implications of consumer protection act**

	Agree (%)	Disagree (%)
Implications of Consumer Protection Act on Patient		
Doctors communication better	93.8	6.2
Rise to efficient patient care	94.8	5.2
Implications of Consumer Protection Act on doctors		
Hampers service	75.7	24.3
Practice of defensive medicine	71.9	28.1
Filling of false and vexatious complaints	91	9
Implications of Consumer Protection Act on medical practice		
Commercialization in practice	91.4	8.6
Increase insurance coverage	90.5	9.5
Government has established clear standards for regulation of health care services	71.9	28.1

## Discussion

The consumer protection act 1986 enabled the health care providers, including doctors, nurses, paramedics and hospital administrators to understand the responsibilities that they have, with regard to the legal and administrative sense. Therefore, it is important to have properly documented patient's record to safeguard the staff involved in consumer service. After the consumer protection law came into being, innumerable negligence cases have been reported, which earlier would have been surfaced.

The present study revealed that majority of dental fraternity had good awareness level regarding CPA and majority of the dentists think that CPA will hamper the professional freedom. Majority of subjects had low awareness about basic rules and regulations such as about location of consumer forum in their district, determining the centre which the patient approaches to file a complaint and maximum time period within which a patient can sue the concerned doctor. Hippocratic Oath says "I will treat without exception all who seeks my ministrations". However, still 12.9% of dentists feel that patient has no right to sue a doctor if rejected emergency treatment.

A non-significant higher percentage ( $p > 0.05$ ) awareness was found among males as compared to females. This was in concordance with study done by Sikka (2012)<sup>(5)</sup> and can be attributed to males showing more inclination towards their profession. Further, non-significant higher awareness was also seen in dentists with post graduate degree as compared to dentists with graduate degree which can be attributed to their higher knowledge as a part of their degree program. The results were in concordance with study done by Singh K (2010),<sup>(2)</sup> Ajithkrishnan CG (2011)<sup>(4)</sup> and Sikka M (2012).<sup>(5)</sup> As most of the subjects were in age group of 20-30 years, having 0-5 years of experience, mostly engaged in academics and treating 0-10 patients in a week, these demographic variables were not linked with awareness level.

## Conclusion

The present study revealed that majority of the dental fraternity had good knowledge about consumer protection act and there is need to upgrade our knowledge at all levels of the dental profession. The attitude should be changed to deliver quality dental care by incorporating a practice to spread the message of consumer protection act. Dental and medical councils should exercise their powers more strictly so that it will help in structuring the law and legal processes, for the betterment of the society. The goals of the CPA can only be achieved when the doctors extend their full co-operation.

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