

Medical Jurisprudence - Introduction



Definition:

- Forensic medicine / legal medicine / State medicine is the application of principle and knowledge of medical sciences to legal purposes and legal proceedings so as to aid in the administration of justice.
- **Medical Jurisprudence** = Application of knowledge of law in relation to practice of medicine.

It includes:

- (i) Doctor-patient Relationship
- (ii) Doctor - Doctor Relationship
- (iii) Doctor - state Relationship.



Medical Ethics:

- Concerned with moral principles for members of medical profession in their dealings with each other, their patients and state.

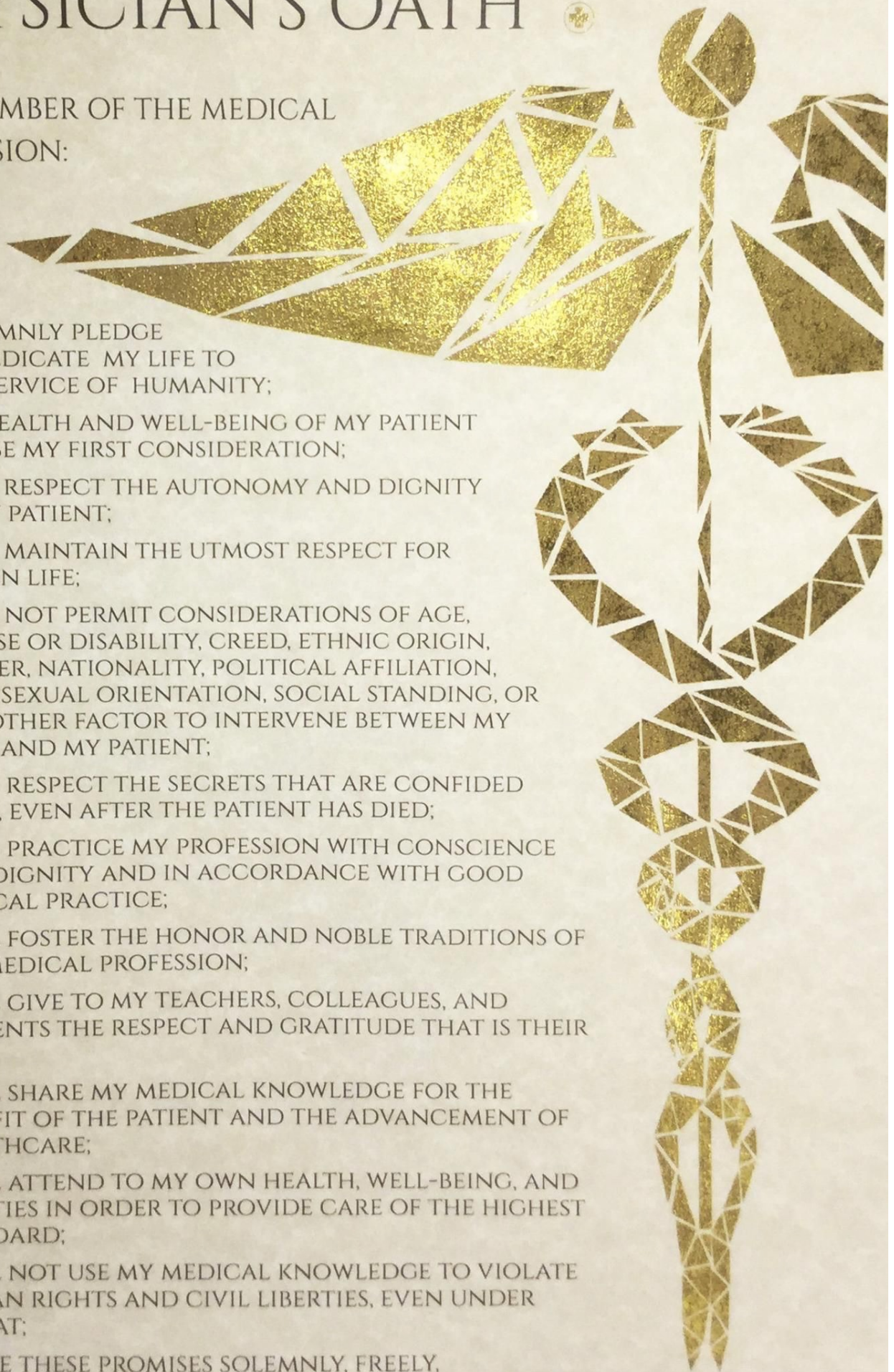
Hippocratic oath:

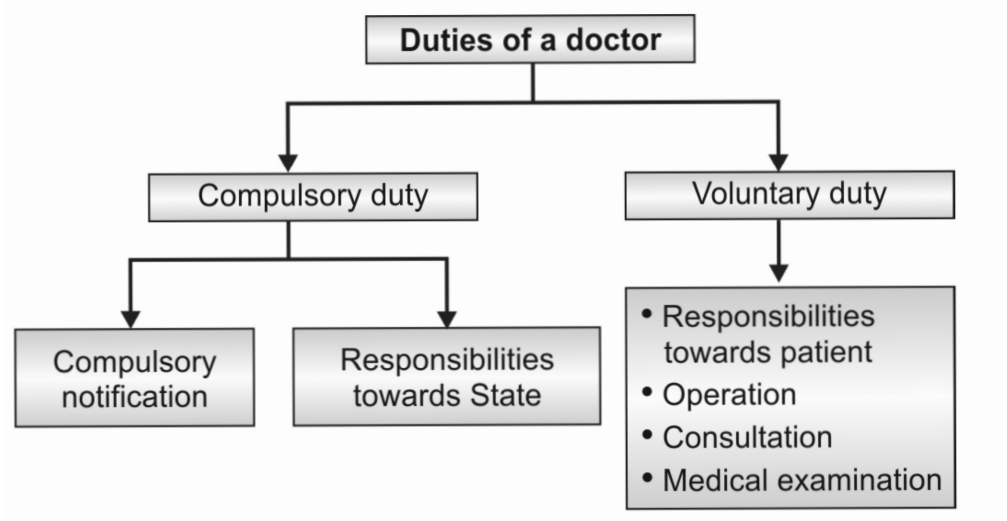
- (i) Autonomy (Patient has right to choose)
- (ii) Justice (Equitable distribution of Justice)
- (iii) Beneficence (Doing good to the patients)
- (iv) Nonmaleficence (Doing no harm to patients)

PHYSICIAN'S OATH

AS A MEMBER OF THE MEDICAL
PROFESSION:

- I SOLEMNLY PLEDGE
TO DEDICATE MY LIFE TO
THE SERVICE OF HUMANITY;
- THE HEALTH AND WELL-BEING OF MY PATIENT
WILL BE MY FIRST CONSIDERATION;
- I WILL RESPECT THE AUTONOMY AND DIGNITY
OF MY PATIENT;
- I WILL MAINTAIN THE UTMOST RESPECT FOR
HUMAN LIFE;
- I WILL NOT PERMIT CONSIDERATIONS OF AGE,
DISEASE OR DISABILITY, CREED, ETHNIC ORIGIN,
GENDER, NATIONALITY, POLITICAL AFFILIATION,
RACE, SEXUAL ORIENTATION, SOCIAL STANDING, OR
ANY OTHER FACTOR TO INTERVENE BETWEEN MY
DUTY AND MY PATIENT;
- I WILL RESPECT THE SECRETS THAT ARE CONFIDED
IN ME, EVEN AFTER THE PATIENT HAS DIED;
- I WILL PRACTICE MY PROFESSION WITH CONSCIENCE
AND DIGNITY AND IN ACCORDANCE WITH GOOD
MEDICAL PRACTICE;
- I WILL FOSTER THE HONOR AND NOBLE TRADITIONS OF
THE MEDICAL PROFESSION;
- I WILL GIVE TO MY TEACHERS, COLLEAGUES, AND
STUDENTS THE RESPECT AND GRATITUDE THAT IS THEIR
DUE;
- I WILL SHARE MY MEDICAL KNOWLEDGE FOR THE
BENEFIT OF THE PATIENT AND THE ADVANCEMENT OF
HEALTHCARE;
- I WILL ATTEND TO MY OWN HEALTH, WELL-BEING, AND
ABILITIES IN ORDER TO PROVIDE CARE OF THE HIGHEST
STANDARD;
- I WILL NOT USE MY MEDICAL KNOWLEDGE TO VIOLATE
HUMAN RIGHTS AND CIVIL LIBERTIES, EVEN UNDER
THREAT;
- I MAKE THESE PROMISES SOLEMNLY, FREELY,
AND UPON MY HONOR.





Duties of Physician in general:

- (i) Character of physician - Should uphold the dignity and honour of his profession.
- (ii) Maintaining good medical practice
- (iii) Maintenance of medical Records
- (iv) Display of Registration Number
- (v) Use of generic names of drugs
- (vi) Highest quality assurance in patient care.
- (vii) Exposure of Unethical Conduct
- (viii) Exact / Clear display of Payment / Fees
- (ix) Evasion of legal Restrictions

Unethical Acts:

- (i) 6 A's - Abortion (criminal abortion)
 Association (with unqualified people)
 Advertisements (inappropriate ads)
 Alcohol
 Addiction Adultery

- (ii) B - Bribery
- (iii) C - Covering (any crime)
- (iv) D - Dichotomy (Fee splitting, getting commissions)
- (v) E - Euthanasia (Mercy killing)
- (vi) F - Issuing False Certificates
- (vii) G - Accepting gifts.

Consent in Medical Practice:

- Given by Indian Contract Act , Section 13

Types : (i) Expressed Consent (Oral / Written)

(ii) Implied Consent (Act / Gesture)

(iii) Blanket / Open Consent (Consent for all procedures / steps in treatment) (Legally invalid in India)

- Exceptions : (i) Emergency / Life

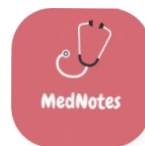
(ii) Waiver (Patient has waived his/her right for consent)

(iii) Doctrine of Extended consent

(In immediate action is required for patient's benefit)

Exceptions to informed consent

- Emergencies (Sec. 92 IPC)
- Therapeutic privilege
- Therapeutic waiver
- Medico-legal postmortems (Sec. 174 CrPC)
- Examination of an arrested accused [Sec. 53 (1) CrPC]
- Treatment of patient suffering from 'notifiable diseases' for greater community interest
- Psychiatric examination or treatment by court order
- Prisoners (new entrants)



© MedNotes [www.mednotes.in]

Full MedNotes : mednotesebooks.company.site

App Available on PlayStore