

# Awareness of Provisions of Consumer Protection Act among Practicing Dentists in Patna.

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## ABSTRACT

**Background:** Knowledge about dental/medical ethics and Consumer Protection Act (CPA) is very essential now a day as it is the era of litigations. Aim: To know about the awareness of provisions of Consumer Protection Act among practicing dentists in Patna. **Methods:** In a cross sectional study, a total of 200 dental professionals were surveyed using a self administered structured questionnaire. The questionnaire comprised of 19 questions about the awareness of consumer protection act (CPA) and whether these professionals were following the recommendations of CPA. **Results:** The awareness scores were significantly lower among dental professionals. Among dental professionals postgraduates were more aware compared to graduates. In the present study 96% dentists knew that for a patient 10 years of age, consent for examination is taken from parent / guardian, 89% of dentists were aware that they should always take consent from patient/patient's guardian once they have explained the treatment procedures. Whereas only 38% dentists knew that after treatment is over the informed consent form should be preserved by the dentist which appeared to be a matter of concern. **Conclusions:** Though post graduates professionals have more awareness of CPA compared to graduate professionals, considering the present scenario, better knowledge of CPA is necessary for both professionals in order to be on the safer side.

**Keywords:** Awareness, Consumer Protection Act, Dentists, Graduates, Post Graduates.

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## INTRODUCTION

The relationship between doctor and patient is based on trust and confidence. Lucky doctors of the past were treated like God and people revered and respected them. Today, we witness a fast pace of commercialization and globalization on all spheres of life and the medical profession is no exception to these phenomena.<sup>[1]</sup>

In India, the Consumer Protection Act (CPA) of 1986 was enacted for better protection of the interests of consumer grievances. This is done through quasi-judicial mechanisms set up at district, state, and national levels. Consumers can file their complaints, which will be entertained by the quasi-judicial bodies referred to as consumer forums. These consumer forums have been empowered to award compensation to aggrieved consumers for the hardships they have endured.<sup>[3]</sup>

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Finally, it was on 13th November 1995 that the honorable supreme court of India delivered judgment on application of consumer protection act, 1986 to the medical/dental profession, hospitals, dispensaries, nursing homes and other related services.<sup>[2]</sup> This act empowers the patient to file lawsuits (in case of perceived negligence) in consumer courts.<sup>[3]</sup>

The law is not made to punish all health professionals that cause injury to patients; it is concerned only with negligent acts. Medical negligence arises from an act or omission by a medical/dental practitioner, which no reasonably-competent and careful practitioner would have committed. What is expected of a medical/ dental practitioner is a 'reasonably skillful behavior adopting the 'ordinary skills' and practices of the profession with 'ordinary care'.<sup>[4]</sup>

Doctors should be clear while taking the cases, they must decide whether to undertake the case they must decide what treatment to give, and they must take care in the administration of that treatment. A breach of any of these duties gives the patient a right to act for negligence.<sup>[5]</sup>

As mentioned earlier, the medical profession has come under pressure due to globalization and liberalization; therefore, now is the time to think well

and to set our priorities right, both individually and collectively.<sup>[6]</sup>

Doctors practicing ethically and honestly should not have any reason for fear. Law whether civil, criminal or consumer law, can only set the outer limits of acceptable conduct i.e. minimum standards of professional care and skill, leaving the question of deal to the profession itself.<sup>[1]</sup>

Thus, this study was performed to assess the awareness of CPA among dental and medical practitioners.

**Aim**

To know the awareness of provisions of consumer protection act among practicing dental professionals in Patna.

**Objectives**

- To assess the perception of dentists regarding the importance of Consumer Protection Act.
- To study the areas requiring corrective measures that dentists need to implement related to consumer protection act.

To make necessary corrective measures to update awareness and knowledge about CPA.

**MATERIALS & METHODS**

A cross-sectional questionnaire study conducted in Patna city on 200 dental professionals both graduates and post graduate. All the participants gave consent for being a part of the study.

A total of 200 dental professionals who will-fully consented to participate were asked to fill a self-administered, structured, closed ended, pre-tested questionnaire containing 24 questions based on demographic details, awareness, objectives and applicability of CPA. All questions were close-ended except the participant’s demographics. A pilot study was conducted among 20 dental professionals in order to ensure the level of validity and reliability, and were not the part of main study.

List of dental fraternity was obtained from respective Indian Dental Association branches. Based on result of pilot study sample size of 200 was calculated. Finally, 200 dental fraternity were randomly included in this study; the questionnaire was collected by face to face filling of printed copies.

**Inclusion Criteria**

Those who had completed their undergraduate course and post-graduate course and are practicing in Patna.

**Exclusion Criteria**

Those who were not willing to participate.

**Statistical Analysis**

The data was analyzed using SPSS version 18. Student’s t-test, ANOVA and Chi square test at 5% level of significance(p<0.05) were used as test of significance.

**RESULTS**

The awareness scores were significantly lower among dental professionals. Among dental professionals postgraduates were more aware compared to graduates and results were statistically significant (p<0.05). In the present study, a non significant (P value >0.05) level of awareness about CPA was higher among males compared with females in practitioners. In the present study 96% dentists were aware that for a patient 10 years of age, consent for examination is taken from parent / guardian [Figure 1]. Only 39% of dentists were aware that person who receives treatment in Government or Charitable Hospital, which provides treatment to one and all free of cost, is not a consumer under the Act out of which 29.1% were graduates and 60.3% were post graduates and the results were statistically significant(p<0.05) [Figure 2]. 52 % of the dentist were unaware of the time frame of the patient to file a case or sue the concerned dentist with evidence and results were statistically significant (P<0.05) [Table 1]. 70% were unaware of the time limit after which a consumer/doctor can appeal against the order of District forum and result was statistically significant (p<0.05) [Table 2]. 53% of practitioners were aware that prior consent was necessary for giving emergency / first-aid treatment out of which majority ie.59.4% were graduates and the result was statistically significant (p<0.05) [Table 3].

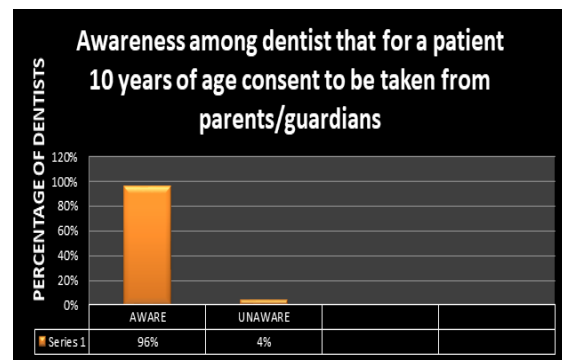


Figure 1: Awareness among dentist that for a patient 10 years of age consent to be taken from parents/guardians.

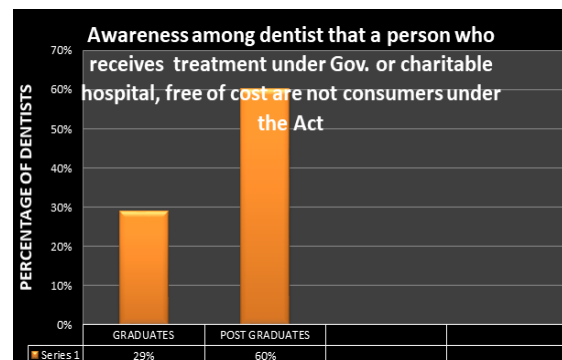


Figure 2: Awareness among dentist that a person who receives treatment under Gov. or charitable hospital, free of cost are not consumers under the act..

**Table 1: Time Period To Sue Concerned Doctor.**

Time Period To Sue Concerned Doctor		Professional Rank		Total
		Graduate	Post Graduate	
Que12	Within 3 years after treatment	2	22	24
	Within 2 years after treatment	55 (40%)	41 (65%)	96 (48%)
	Don't know	80	0	80
Total		137	63	200

**Table 2: Time limit to appeal against order of district forum.**

Time limit to appeal against order of district forum	professional rank		Total
	Graduate	Post Graduate	
30 days	57	5	62
45 days	58	20	78
90 days	22(16%)	38(60%)	60(30%)
Total	137	63	200

**Table 3: Is prior consent necessary for giving emergency / first-aid treatment?**

Is prior consent necessary for giving emergency / first-aid treatment?	professional rank		Total
	Graduate	Post Graduate	
Yes	63	43	106
No	42	20	62
Dont know	32	0	32
Total	137	63	200

**DISCUSSION**

After the consumer protection act 1986 came into effect, a number of patients have filed cases against dental professionals and have proved that they were negligent in service delivery.

This study is to present information about CPA among dental practitioners in Patna. The increasing number of practicing dental practitioners resulted in an increase in the number of treatment providers. Due to the lack of updating knowledge by the practitioners there is an increased risk of malpractice, especially in complex case situations. In addition, the expanding patient population is becoming more knowledgeable and aware of their rights, consequently taking action by contacting the consumer forum to lodge their complaints.<sup>[8]</sup>

The findings of the present study clearly show the difference in the awareness level between graduates and post-graduate practitioners regarding the consumer protection act. With the increasing knowledge, it was found that post graduates were significantly more aware compared to undergraduates of dental practitioners. This might be due to the reason that with increase in knowledge, awareness also increases.

In the present study, a non significant (P value >0.05) level of awareness about CPA was higher among males (70.5%) compared with females in practitioners. This was in concordance with study done by Sikka (2012).<sup>[11]</sup> It may be attributed to the fact that comparatively males devote more time to routine practice.

In the present study 52 % of the dentist were unaware of the time frame of the patient to file a case or sue the concerned dentist with evidence which was in order to the study done by Santhosh C.S. and et al in 2013, were it was 54%. Regarding educational status, in present study it was found that postgraduates had significantly higher awareness than graduates (P<0.001) and the result was similar to the study done by K. Singh and et al in 2009, and Santhosh C.S. and et al in 2013 which can be attributed to their higher knowledge as a part of their degree program, but was not in concordance with study done by Singh K (2010),<sup>[2]</sup> Ajith krishnan CG (2011) and Sikka M (2012).<sup>[4,5]</sup> In present study 70% of dentists were unaware of the time limit after which a consumer/doctor can appeal against the order of District forum and results are similar to the study done by Sumanth Prasad and et al in 2013(68%)

**CONCLUSION**

Ignorance of the law of the land is no excuse in the court of law, at least the laws concerning to practice of dentistry. To conclude it is our duty to know about CPA and adapt protective measures like good documentation, discussing with the patients about treatment/ operation, taking Consent personally and thus avoid litigations in the future. Dental and medical councils should utilize their capacity more observantly and strictly so that it will help in designing the law and legal processes, primarily for serving the society and secondarily for the benefit of the professionals. I recommend that Knowledge about ethics and consumer protection act can best be acquired by its introduction into workshops/CME.

**REFERENCES**

1. Viswanathan VN. Consumer rights in service sector. 1st ed. New Delhi, India: Concept Publishing Company; 2008. p. 89-110.
2. Paul G. Medical Law for dental surgeons. 1st ed. New Delhi, India: Jaypee Brothers; 2004. p. 75-90.
3. Mehta PS. A functional competition Policy for India. New Delhi, India: Consumer Unity and Trust Society; 2006. p. 39-55.
4. Mrityunjay K, Prashant K. Medical negligence: criminal liability of the doctor and establishment. Cri L J 2003;11(SC) Journal 1.
5. Rahman TA. Health and Law. Medical negligence and doctors' liability. Indian J Med Ethics 2005 Apr-Jun;2(2).
6. Potdar RD. Consumer Protection Law and the Pediatrician. Indian Pediatrics 1977;34:283-6.

7. Shenoy R, Kavya R, Harshvardhan A, et al. Be aware or beware. Awareness of COPRA. Indian Association Public Health Dentistry 2009;13:25-9.
8. Al-Ammar W, Guile EE. A one year survey of dental malpractice claims in Riyadh. Saudi Dent J 2000 May-Aug;12(2):95-9.
9. Milgrom P, Fiset L, Whitney C, Conrad D, Cullen T, O'Hara D. Malpractice claims during 1988-1992: a national survey of dentists. J Am Dent Assoc. 1994 Apr; 125(4):462-9.
10. Wafa Al Ammar and E. Ernest Guile. A one-year survey of dental malpractice claims in Riyadh. Saudi Dental Journal, Vol. 12, No. 2, May - August 2000.
11. Sikka M, Anup N, Aradhya S, Peter S, Acharya S. Consumer Protection Act- Awareness? Int J Med and Dent Sci: 2012;1: 1-8.

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