

Research Article**Legal Responsibility: Knowledge, Attitude and Perception of Doctors Practising in the District of Bamako (Mali)**Théra JP^{1*}, Kanikomo D², Diassana M³^{1,2}Médecin Légiste, Faculté de Médecine, Bamako, Mali³Substitut du Procureur près le Tribunal de Grande Instance de Kayes, Mali***Corresponding author**

Dr. Japhet Pobanou Théra

Email: therajaph3000@yahoo.fr

Abstract: The purpose of our survey was to study the knowledge, attitude and perception of doctors about legal responsibility. It was a prospective cross-sectional study carried out in the health centre of the 4th Commune of Bamako. We interviewed 61 doctors; 34.4% of them didn't have the suitable equipment for their medical practice. The doctors who knew the legal consequences of medical malpractice accounted for 34.4%. Doctors who always seek for the patients' informed consent before treatment accounted for 57.4%. The doctors who didn't know legal responsibility were 36.1%. Only 39.3% of the doctors always gave their patients, fair information about the hazards of treatment; 3.3% have been prosecuted.**Keywords:** Legal, Responsibility, Attitude, Perception, Doctors, Consent, Prosecution.

INTRODUCTION

Under the general principles of the law of Contract and its obligations there is a voluntary exchange of an offer of a service and its voluntary acceptance. The consent form requires disclosure of risks and alternatives that a reasonable patient would consider material [1]. The contract of care includes different steps the Doctor has to observe. Also, the Doctor must give to the patient, fair information in order to obtain his informed consent at all steps of care: diagnosis, investigations, and treatment. Any breach of these obligations may involve the liability of the medical staff [2]. Before, the legal proceedings were rare, but this is no longer the case now. Since the second half of the twentieth century, the litigation of medical responsibility has taken a growing share in the judicial activity. First of all built around the requirement of doctor's misconduct, its field was then broadened to other issues, in order to promote compensation [3]. The number of criminal prosecutions against doctors for medical malpractice is in rise in Africa as well as in the developed countries. Indeed, in France, in 2008, the insurance company of the medical staff has recorded 3434 claims for medical malpractice which lead to 97 criminal proceedings [4]. In the United States of America, 52% of surgeons and 68% of obstetricians are prosecuted at least once during their career [5]. In Canada, 190 lawsuits have been brought against doctors in 2005 [6]. In Morocco, each year several cases of medical malpractice are prosecuted; 90% of the claims dealt with surgical complications [7]. In Mali, few

studies have been conducted on this issue. By the way, we have to bear in mind that there is a climate of mistrust between the medical staff and the judges after the brutal arrest and prosecution of our peers in recent years.

Do the doctors know their legal duties? To answer this question, we undertook this study: "The medical responsibility: knowledge, attitude and perception of the physicians practicing in the District of Bamako".

MATERIALS AND METHODS

We conducted a prospective cross-sectional study from October 1st, 2009 to September 30th, 2010 in the 4th Commune of Bamako. It was a comprehensive survey of doctors working in this commune. Doctors who were not registered with the medical council were excluded from our survey. The data were collected from an interview conducted by a resident on a standardized questionnaire. The variables studied were: age, professional qualification, patients' medical record, status of the medical equipment, knowledge of the legal consequences of medical malpractice, knowledge of medical responsibility, knowledge of the code of medical ethics, patients' informed consent, and the legal proceedings. Data entry and statistical analysis were performed using the statistical package for the social sciences (SPSS) 12.0. Confidentiality of data was assured.

RESULTS

Of the 61 participants in our study, 88.5% (n= 54) were males, 11.5% (n= 7) were females. General practitioners were prevalent with 63.9 %. Doctors who didn't write a medical record of their patients accounted for 16.4 %; those who didn't have the suitable equipment were 34.4 %. Doctors who were unaware of the legal consequences of medical malpractice accounted for 34.4 %. 36.1% of them didn't know the legal responsibility (Table 1). The doctors who always

informed their patients on the investigations were 62.3 % (Table 3); those who always obtained the informed consent of their patients prior to medical care were 57.4 % (Table 4). The doctors who always informed their patients on the therapeutic choices were 49.2 %. Those who always informed their patients on the side effects of medication accounted for 36.1%; whereas those who always informed their patients on the hazards of medical procedure were 39.3 % (Table 5). 3.3 per cent of the doctors have already been prosecuted.

Table 1: Distribution of the doctors according to the knowledge of legal responsibility

Knowledge of responsibility	N	%
Disciplinary responsibility	2	3.3
Administrative responsibility	1	1.6
Civil responsibility	12	19.7
Criminal responsibility	24	39.3
No responsibility	22	36.1
Total	61	100

Table 2: Distribution of doctors according to the knowledge of the code of ethics

Knowledge of the code of ethics	N	%
Entirely	12	19.7
Partly	42	68.8
No knowledge	7	11.5
Total	61	100.0

Table 3: Distribution of doctors according to the information of patients on investigations

Information of patients on paraclinical examinations	N	%
Always	38	62.3
Often	19	31.1
Neither	4	6.6
Total	61	100

Table 4: Distribution of doctors according to the obtaining of patients' consent to treatment

Obtaining of patients' consent to treatment	N	%
Always	35	57.4
Often	21	34.4
Neither	5	8.2
Total	61	100

Table 5: Distribution of doctors according to the information of the patients on the hazards of medical procedure

Information of patients on the hazards of medical procedure	N	%
Always	24	39.3
Often	16	26.2
Neither	9	14.8
No answer	12	19.7
Total	61	100

DISCUSSION

The general practitioners were prevalent, they accounted for 63.9 %. Kieffer, in his study found 97.4 % of general practitioners [8]. The doctors who didn't write a medical record accounted for 16.4 %. Some authors have established a relationship between the quality of medical records and the quality of health care. The patient medical file which is a record of

diagnosis, treatment and other issues is very important for the management of his health. The doctors who were practising with unsuitable equipment accounted for 34.4 %. In the Republic of Tchad, Assina *et al.* in their study found that 50% of the services of intensive care have unsuitable equipment [9]. An effective medical care requires good technical equipment. Thus, unsuitable equipment can lead to medical malpractice.

The doctors who knew the whole code of ethics were 19.7%; those who knew this code partially were 68.9%; while 11.5 % didn't know any provision of this code. Our results show that the doctors don't master medical law. The doctors who informed their patients on the nature of the disease accounted for 42.6 %. Those who always informed their patients on the interest and the nature of investigations accounted for 62.3 %; whereas those who always informed their patients on the therapeutic choices accounted for 49.2 %. Only 39.3 % were used to inform their patients about the hazards of medical procedure.

The doctors who always obtained the informed consent of their patients before medical care accounted for 57.4 %. Under the provisions of article 16-3 paragraph 2 of the French civil code: "the consent of the patient must be obtained prior to medical care except the case of necessary surgical procedure to which he is not able to consent" [10]. The doctors who ignored the legal consequences of medical malpractice accounted for 34.4 %. Among the different types of legal responsibility, the best known by the doctors were criminal and civil liabilities with respectively 39.3 % and 19.7 %. Criminal responsibility is the leading cause of imprisonment, that's why it holds the attention of most. In our study, 3.3% of the doctors had already been prosecuted but without conviction. Starkey *et al.* in Japan in 2008 found 61% of prosecution [11]. The poor knowledge of the law by most medical doctors is often acknowledged widely. In a whitepaper on legal knowledge, attitudes and practice at the Queen Elizabeth Hospital in Barbados, 52% of senior medical staff and 20% of senior nursing staff knew little of the law pertinent to their work [12]. The ignorance of the law hinders the victims of medical malpractice from prosecuting doctors in developing countries like Mali.

CONCLUSION

The legal responsibility is little known to doctors. 36.1 per cent of them didn't know any legal responsibility. The prosecutions against the doctors are not rare, 3.3 per cent of them have already been prosecuted. They need to master medical law.

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