

Violence and Litigations Against Health Care Workers in Pakistan

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Over the past two decades, litigations as well as violence against the health care workers has followed an exponentially incremental trend around the globe.¹ Although doctor and also other medical staff is often considered as “angel” who belongs to a noble profession but still violence against them throughout the world is a matter of concern.² This violence against them can be physical like assault but mostly in the psychological form like verbal threat, harassment, bullying, litigation etc.³ The current situation of Pakistan is not much different from the rest of the world.⁴

The history of medical litigation dates back to very ancient times but in modern civilized society in 1765, Sir William Blackstone published “Commentaries on the Laws of England” which described cases of “Mala Praxis,” that is neglect or unskillful management of a physician or surgeon.⁵ In United States of America, first recorded medical malpractice lawsuit took place in 1794 where a patient died of a surgical complication.⁵ During the 19th century, number of litigations against medical malpractice started increasing as it was an attractive area for aggressive lawyers. Majority of the lawsuits were against error of treatment related to amputation, dislocations and fractures. During the 20th century, majority of the lawsuits were related with “*error of commission*” that is when a physician had done something wrong. As a result of this physicians started doing “*defensive medicine*” i.e. to be sure about diagnosis and treatment, doing extra laboratory tests and radiological investigations and doing less intervention. This led to a new era of lawsuits against “*error of omission*” that is when a physician had failed to do something right.

In Pakistan, violence against healthcare worker has increased tremendously during recent past in both public sector as well as private sector hospitals.^{6,7} In public sector hospitals main cause for violence is because of inadequate facilities like lack of drugs, long waiting time for surgeries, lack of cleanliness and shortage of medical staff and doctors etc. Because healthcare workers are in forefront, patients and their attendants think that they are responsible for all these deficiencies. In fact, all of these deficiencies are of

administrative nature and healthcare workers are helpless to solve these problems. In private hospitals main cause for violence is financial and monetary aspect of treatment and they want to get discounts or even total deduction of whole billing amount. When a patient is brought in private hospital in critical condition, attendants say, do whatever is required without considering its cost and at the end if the patient dies, they start violence just to get benefit in billing amount. Overload and lack of time is another important factors in public as well as in private sector hospital due to which proper counselling of the patients and their attendants is not done properly. Patients and their attendants are often unacquainted with the disease and its consequences which finally ended in violence, if the results are not according to their desire. According to one study conducted at 4 major public sector hospitals of Karachi, 74.9% of the doctors have encountered workplace violence.⁸ Another study conducted at a public sector hospital in Lahore showed 73.8% of doctors and nurses were victims of violence in the preceding 12 months of the study.⁹ To reduce violence, Government of Pakistan in 2019 has amended the laws related with any sort of violence against healthcare worker or hospital property in public or private sector hospital. Now, it is a non-bail able offense with punishment of 6 months to 10 years. Many of the healthcare workers and hospital staff are still unaware of these laws, so this information should be disseminated appropriately. Secondly law enforcement agencies should implement these laws strictly and take appropriate action against those who are involved in such acts.

Complication during or after surgery may occur and it is not always because of the surgeon’s negligence. Many factors are involved in it like environmental, patient’s general condition, advance condition of the disease and even patient’s own carelessness in not following doctor’s advice. Whenever a surgical complication occurs, most of the patients and their attendants think it is only because of surgeon’s negligence and they start violence and even go to court of law for litigation. Such violence and litigations can be prevented or reduced by taking proper “Informed consent” which should contain proper information about the disease, its treatment options and its consequences. Obtaining informed consent is very critical and necessary in medical practice and should contain all three domains; information, comprehension and voluntariness. Majority of the hospitals in Pakistan have a

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general “consent form” for surgical procedure that is used in all types of surgeries. Separate consent form for each surgery should be designed mentioning all details related with the disease process, its treatment options, consequences and complications of the surgery and its use will reduce litigation cases and of course violence as well.

Use of electronic media for storing health records and its sharing with other colleagues has brought convenience in our life at one end but on the other end has posed serious privacy threats.¹⁰ The security of the medical data is facing growing challenges due to fast upsurge of data volume and development of storage cloud platforms. The revelation of patient’s private information on electronic media has also posed serious consequence leading to increase in litigation cases against healthcare workers. Therefore protection of the patient’s private information is very important consideration in the field of medical data sharing and distribution.

The cost involved in litigation cases in lawsuits effects not only individual professional but also on overall healthcare facilities budget.¹¹ Due to defensive medicine and use of extra tests as a result of medico-legal cases, overall healthcare cost has been increased much. But still defensive medicine is the only way to avoid malpractice lawsuit. Defensive medicine is similar to “defensive driving,” when a driver expects likely dangers then he automatically takes appropriate action to reduce the risk of an unfortunate accident. Defensive medicine is defined as actions that healthcare providers take in order to protect themselves from malpractice lawsuits rather than actions benefitting the patient.¹² It has been observed in healthcare system around the globe and found to have increased during the last two decades.

Following are the suggestions to reduce violence and litigations against health care workers in Pakistan:

- Strict compliance of laws against those responsible and involved in violence of any sort in hospitals and clinics.
- Lawsuits against healthcare workers should not be prosecuted in normal courts rather separate courts should be established for this purpose with judges having special experience for such medical cases.
- Government controlling authorities for healthcare like Pakistan Medical Commission (PMC), or Health Department should come forward and take responsibility to deal with cases of medical malpractice on their own rather to go in court of law.
- Security guards in public sector hospitals and clinics should be adequate to deal with people involved in violence on the spot.
- All healthcare worker including doctors, nurses and paramedical staff should have an insurance to bear cost of court proceedings and penalty charges imposed on them and must be provided by the employers.

- Communication skill workshops should be repeated regularly to train healthcare worker regarding counselling, breaking bad news, taking informed consent and dealing with aggressive crowd

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