



## Press Release

### Difference of opinion and error of judgement is not negligence: IMA & HCFI

**New Delhi, 13<sup>th</sup> October 2016:** Imagine the following scenario, a person suspected of a serious crime is facing court judgement for his actions. The lower court offers him death sentence, the case is then taken to the high court where life sentence is offered to the individual. Now comes the supreme court which upon careful reconsideration of facts and evidences, abolishes all the previous sentences and grants freedom to the individual. Had the high court and the supreme court not been involved, our hypothetical individual might have faced the death sentence inevitably. In this case, is the lower court negligent? The answer is obviously, NO.

So, difference of opinion is not considered a professional deficiency and is a routine and accepted norm.

Then why this same dogma not applied in the medical field where the inability to save a patient's life directly translates into allegations of negligence on part of the doctor? This is sadly the widespread public perception, and as a medical professional having devoted my career to the field, it is extremely unacceptable to me.

“Every now and then, news reports of wrongful allegations on doctors are in the media. Some of these are sound and true but a vast proportion of these allegations of negligence are false or irrational. Such allegations can completely ruin a medical professional's career. Most of these allegations crop in after the patient gets a second opinion from a physician who happens to have a different set of opinion regarding the treatment method”, said **Padma Shri Awardee Dr KK Aggarwal – National President Elect Indian Medical Association and President Heart Care Foundation of India.**

“The question that needs addressal is, who gets the deciding vote when such a difference of opinion arises in the clinical setting? The answer is, an expert in the corresponding field should decide what opinion is the most accurate one, considering the benefit of the patient. So, if an expert is brought in by the patient or the doctor, his/her view on the matter should be accepted, not subject to any further reconsiderations”, he added.

#### **In the following scenarios differences of opinion does NOT mean negligence:**

1. A physician who scored 50% marks and another who scored 90% marks, differ in the course of treatment for a patient. It does not mean negligence, simply a difference of opinion that needs careful reconsideration by an expert.
2. Death does not mean negligence. In an I.C.U, 5-10% of the patients will die, even with the best of care. This is the sad truth, because in an I.C.U, the patients are already in a serious clinical state and statistically speaking, 5-10% mortality is inevitable.
3. Sudden death is common and unforeseeable. Sudden death is death occurring within one hour of manifestation of symptoms. It can be due to a heart, brain or lung attack. A patient may be seemingly okay and five minutes later, he/she may succumb to sudden death. Thus, unpredictability does not mean negligence.



It is important in the light of recent events that awareness be generated about the plight of medical health professionals wrongfully accused of negligence. Doctors are an important part of the community and safeguarding their right to perform their duties without the fear of such allegations is our duty.

More information and special insights about this issue will be discussed in the upcoming **MTNL Perfect Health Mela** from 25-29<sup>th</sup> October, 2016 at Talkatora indoor stadium, New Delhi.

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### **About Heart Care Foundation of India**

Initiated in 1986, the Heart Care Foundation of India is a leading National NGO working in the field of creating mass health awareness among people from all walks of life and providing solutions for India's everyday healthcare needs. The NGO uses consumer-based entertainment modules to impart health education and increase awareness amongst people. A leading example of this is the Perfect Health Mela; an annual event started in 1993 that is attended by over 2-3 lakh people each year. The Mela showcases activities across categories such as health education seminars and check-ups, entertainment programs, lifestyle exhibitions, lectures, workshops, and competitions. In addition to this, the NGO conducts programs and camps to train people on the technique of hands only CPR through its CPR 10 mantra for revival after a sudden cardiac arrest. They currently hold three Limca book of world records for the maximum number of people trained in hands-only CPR in one go. Keeping article 21 of the Indian Constitution in mind, which guarantees a person Right to Life, Heart Care Foundation of India has also recently initiated a project called the Sameer Malik Heart Care Foundation Fund to ensure that no one dies of a heart disease just because they cannot afford treatment.

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