

Consumer Protection Act – Awareness?

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Received: 20-10-2011

Revised: 01-11-2011

Accepted: 10-11-2011

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ABSTRACT

Background: With the inclusion of health care services under Consumer Protection Act, a spurt in litigations arising out of breach in medical/dental profession is seen. Thus, it becomes imperative for health professionals today to be aware of such laws.

Objective: To assess and compare the awareness about Consumer Protection Act among dentists (dentists in teaching institutions and dentists in private practice.)

Material and Methods: A questionnaire survey was carried out on a total of 224 dentists [112 dentists in teaching institutions (DTI)] from Manipal and Mangalore and 112 dentists in private practice (DPP) from Udipi and Mangalore, Karnataka, India]. Statistical Analysis was done using SPSS version 10. Chi-square test was used to compare between the categorical variables ($P \leq 0.05$).

Results: A total of 69.6% of DTI and 76.8% of DPP reported to be aware of Consumer Protection Act but subsequent analysis of responses did not reveal the same. Awareness (> 75%) about rules and regulations of Consumer Protection Act was found to be low in both the dentist group. No difference was seen in awareness based on gender, degree and type of practice ($P > 0.05$). Significantly higher percentage of DPP as compared to DTI (90.7% Vs 69.2% ; $P \leq 0.05$) were observed to rely upon regular consent.

Conclusion: There is a need to raise the awareness of health professionals about such laws so that their increased professional concern and practice conforms to welfare of patients.

Key words: Consumer Protection Act, dentist, awareness, consent in daily practice, India

Introduction

Science and biotechnology have progressed enormously in the last few decades, contributing to people's improved quality of life, along with an increased awareness about people's rights. People are often misled by sellers in day-to-day purchases leading to consumer dissatisfaction. To safeguard the interests of consumers, Countries worldwide have developed Consumer protection organizations. Even in India, Consumer Protection Act (COPRA) was

passed by the Parliament in 1986 as welfare legislation in the interest of consumers.^[1-3]

Health care services, whenever purchased by receivers are also expected to provide consumer satisfaction. Earlier, remedy for medical negligence was available only under law of Tort.^[2] But with, inclusion of health care services under Consumer Protection Act, a spurt in litigations arising out of breach in medical/dental profession is seen. Thus, it becomes imperative for health professionals today to be aware of such

laws, which will be beneficial to patients and doctors and society as a whole.

Studies on awareness of health professionals and in particular of dentists, about such laws, seems to be rarely reported.^[4-6] Further, there is a general notion that professionals associated with institutes follow the rules and regulations more religiously as compared to private practitioners. Hence, the present study was designed to assess and compare the awareness about Consumer Protection Act among dentists in teaching institutions and dentists in private practice in Karnataka, India.

Material and Methods

A total of 224 Dentists, 112 dentists in teaching institutions (DTI) from Manipal and Mangalore and 112 dentists in private practice (DPP), from Udupi and Mangalore in the state of Karnataka, India were included in the study, who voluntarily completed a self – administered questionnaire. List of dentists in teaching institutions and dentists in private practice were taken from the institutes and from the local Indian dental association bodies respectively. Sample size was deduced based on a previously conducted pilot study on a total of 15 dentists from both the groups. Ethical clearance was taken from the Kasturba Hospital Ethics Committee, Kasturba Hospital, Manipal. Informed consent was taken from the dentists. A self – administered questionnaire was used to collect demographic data and data on awareness about consumer protection act. The Questionnaire consisted of a total of 18 questions. The first question was on awareness of dentists about Consumer Protection act. Those who gave affirmative answer for the question were

told to answer the following questions. Next section consisted of ten questions on rules and regulations under Consumer Protection act. Further, Seven questions were confined to consent in daily practice. Prior to the data collection the questions were pre-tested among a group of 15 dentists in order to ensure the level of validity and degree of repeatability (Cronbach's alpha=0.78).

Data was analyzed using SPSS version 10.00. Chi-square test was used to compare between categorical variables. $P \leq 0.05$ was considered as statistically significant.

Results

The demographic details of the participating dentists are given in Table 1. A total of 224 dentists completed the questionnaire. Males and females were equal in proportion. Among the participating dentists, 69.6% of dentists in teaching institutions (DTI) as compared to 76.8% of dentists in private practice (DPP) stated to be aware of Consumer Protection Act (Table 2) however subsequent analysis did not reveal the same.

A non significant difference was seen among DTI and DPP for awareness regarding various rules and regulations about COPRA. Only 15.4% and 11.6% of DTI and DPP respectively were aware of maximum compensation under COPRA as greater than 20 lakhs. Similarly very less percentage of DTI and DPP (23.1% Vs 23.3%) were aware of maximum time period to sue with evidence under COPRA as within 2 years of treatment. Relatively few DTI 59% as compared to 69.7% of DPP were aware that beneficiaries in case of mishap in a minor case are both child and parents/guardians (Table 3).

Table 1: Demographic detail of participating dentists.

224 Dentists							
DTI*				DPP*			
N		%		N		%	
112		50%		112		50%	
BDS		MDS		BDS		MDS	
N	%	N	%	N	%	N	%
16	14%	96	86%	60	54%	52	46%

*DTI -Dentists in teaching institutions

*DPP- Dentists in private practice

Table 2: Awareness of Consumer Protection Act

Q 1: Are you aware of Consumer Protection Act?	DTI*(112)		DPP*(112)	
	N	%	N	%
Yes	78	69.6 %	86	76.8 %
No	34	30.4 %	26	23.2 %

P > 0.05 - Not Significant

Table 3: Rules and Regulations under Consumer Protection Act

Question	Responses	DTI* (78)		(DPP)* (86)	
		N	%	N	%
Q 1.1: Who is not liable under COPRA?	Private hospitals charging all	6	7.7 %	0	0 %
	Hospitals having free as well as paying patients	8	10.2 %	14	16.3 %
	Hospitals offering free services to all	64	82.1 %	72	83.7 %
Q 1.2: What is the maximum compensation that can be claimed by the consumer?	< Rs 5 lakhs	4	5.1 %	12	14.0 %
	Rs 5 – 20 lakhs	12	15.4 %	20	23.2 %
	> Rs 20 lakhs	12	15.4 %	10	11.6 %


Q1.3: Can a patient sue a doctor for rejecting an emergency case?	Don't know	50	64.1 %	44	51.2 %
	Yes	56	71.8 %	58	67.4 %
	No	8	10.2 %	10	11.6 %
	Don't know	14	18.0 %	18	21.0 %
Q1.4: In case of a mishap occurring in a referred case, patient can sue:	Referring doctor	2	2.6 %	2	2.3 %
	Referred doctor	20	25.6 %	26	30.2 %
	Both	56	71.8 %	58	67.5 %
Q1.5: What is the maximum time period within which a patient can sue a doctor with evidence?	Immediately after treatment	6	7.7 %	16	18.6 %
	Within 6 months after treatment	20	25.6 %	14	16.3 %
	Within 2 years after treatment	18	23.1 %	20	23.3 %
	Don't know	34	43.6 %	36	48.8 %
Q1.6: In case of a mishap in a minor case, beneficiaries are:	Only child	4	5.1 %	12	14 %
	Only parents/guardians	28	35.9%	14	16.3 %
	Both child and parents/guardians	56	59.0 %	60	69.7 %

P > 0.05 – Not significant

Table 4: Consent in daily practice

		DTI*	DPP*	P value
Q 2.1: Do you regularly take consent before starting any treatment?	Yes	69.2 %	90.7 %	≤ 0.05 Significant
	No	30.8 %	9.3 %	
Q2.2: On which consent do you rely most?	Implied	12.8 %	9.3 %	> 0.05 Not Significant
	Expressed	20.5 %	30.5 %	
	Informed	66.7 %	51.2 %	

Table 5a: Frequency distribution of Awareness among dentists based on type of practice.



Type of practice	Awareness					
	0 – 50 %		51 – 75 %		76 – 100 %	
	N	%	N	%	N	%
DTI *(112)	40	35.7 %	56	50.0 %	16	14.3 %
DPP* (112)	32	28.6 %	60	53.6 %	20	17.8 %

P>0.05 – Not significant

Table 5b: Frequency distribution of awareness about Consumer Protection Act among dentists based on gender.

Gender	Awareness					
	0 – 50 %		51 – 75 %		76 – 100 %	
	N	%	N	%	N	%
Males(112)	26	23.2 %	62	55.4 %	24	21.4 %
Females(112)	56	41.1 %	54	48.2 %	12	10.7 %

P>0.05 – Not significant

Table 5c: Frequency of awareness about Consumer Protection Act among dentists based on degree.

Degree	Awareness					
	0 – 50 %		51 – 75 %		76 – 100 %	
	N	%	N	%	N	%
BDS(38)	32	42.1 %	36	47.4 %	8	10.5 %
MDS(74)	40	27.0 %	80	54.1 %	28	18.9 %

P > 0.05 – Not Significant

Regular consent was reported to be taken by 69.2% of DTI as compared to 90.7% of DPP. The difference was statistically significant (P = 0.05). However, out of these only 66.7% of DTI Vs 51.2% DPP relied upon informed consent (P>0.05)

(Table 4). According to the proportion of correct answers given, three awareness groups were made (Table 5a, 5b, 5c). The range varied from:

0-50% awareness- 72 dentists
51-75% awareness-116 dentists

76-100% awareness-36 dentists

No significant difference was seen in awareness among dentists based on gender, degree or type of dentist (Table 5a, 5b, 5c).

Discussion

Patient's rights have always been a subject of debate around the world. Countries worldwide are legalizing patient's rights. However, awareness among health professionals about such laws is observed to be varied.^[4-6]

With, growing awareness among patients, doctors are being frequently questioned about the treatment given, with, subsequent claims in cases of infringement in doctor patient contracts.^[7] Consumer Protection Act is a redressal forum for settlement of such disputes. Thus, it becomes important for health professionals today to explain patients about their treatment needs, the expenditure and risks involved and obtain consent routinely for all procedures.

The present study was designed to compare the awareness about Consumer Protection act (COPRA) among dentists in teaching institutions (DTI) and dentists in private practice (DPP).

The present study revealed no significant difference in awareness level among dentists based on type of practice. Even though 69.6% DTI as compared to 76.8% of DPP reported awareness of COPRA, it was observed that only 14.3% of DTI and 17.8% of DPP were actually having awareness greater than 75%. Similar results were reported in previous studies^[4-5] where, dental professionals were seen to have low awareness about consumer protection act as compared to medical professionals.

Maximum compensation under COPRA that can be claimed is greater than Rs 20 lakhs which was correctly answered only by 15.4% of DTI Vs 11.6% DPP. Dental

compensation in comparison to medical compensation is low in amount, which can be due to higher liability of medical professionals, owing to medical diseases being more life threatening in nature. In the literature, dental compensation as low as Rs 1000 for ill-fitting denture to as high as Rs 2 lakh to a patient who died with a dental problem has been granted under COPRA.^[8]

Hippocratic Oath says "I will treat without exception all who seeks my ministrations".^[9] However, still 10.2% of DTI and 11.6% of DPP said that patient has no right to sue a doctor if rejected emergency treatment.

Rejecting the situation where the referred doctor can be sued in case of any mishap in a referred case, 71.8% of DTI as compared to 67.5% of DPP reported that both referring doctor and referred doctor are liable in such a case, which indicates the lack of complete understanding about the law among the dentists.

Regular consent was significantly taken more by DPP as compared to DTI (90.7% Vs 69.2%; $P=0.05$). That may be due to the higher chance of the patients seeking treatment from the private sector to claim compensation in case of mishap or negligence. But, among these, slightly higher percentage of DTI as compared to only of DPP (66.6% Vs 51.2%; $P> 0.05$) relied upon informed consent which may be due to institutes following this as a routine procedure as a part of hospital policies.

A non significant higher percentage of males were seen to have awareness greater than 50% which could be due to males more inclination towards their profession. Further, non significant higher awareness was seen in dentists with post graduate degree as compared to dentists with graduate degree which can be attributed to their higher knowledge as a part of their degree program (table 5b,

5c). Similar significant results were also reported by Singh K et al and Ajithkrishnan CG et al. [4, 5]

To conclude, in the present study, though a large number of dentists were aware of the existence of Consumer protection act, the basic awareness about rules and regulations was found to be low. There was not much difference seen in awareness about Consumer Protection Act among dentists in teaching institutions and dentists in private practice. Besides this, observation of elementary procedures like taking consent with written contract was not followed routinely, showing a lack of concern among the professionals. Thus, there is a need to raise the awareness of health professionals in general and dentists in particular so that their increased professional concern and practice conforms to welfare of patients.

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Cite this article as: Sikka M, Anup N, Aradhya S, Peter S, Acharya S. Consumer Protection Act - Awareness? Int J Med and Dent Sci 2012; 1:1-8.

Source of Support: Nil
Conflict of Interest: No