



Consent from new patient at first registration

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Abstract

Just as the patient can take a proper decision only if full information is available to him/her, the doctor can take the most appropriate decision for a patient only if the patient provides full and up-to-date information. Unfortunately this does not happen all the time. The Ministry of Health and Family Welfare recommends the Charter of Patients Rights which also includes a specific section on responsibilities of patients and their family members. Based on the legal principle that consent is a contract between two parties, we followed a systematic procedure to develop consensus recommendation for obtaining patient consent in the normal practice setting at first registration/ presentation.

Keywords: responsibilities, declaration, consensus recommendations, medicolegal

Introduction

The current doctor patient relationship is often criticized for not empowering the patients adequately. As per legal requirements real consent should make the patient an important part of the decision making process. And the patient can take a proper decision only if full information is available to him/her. The reverse is also true. The doctor can take the most appropriate decision for a patient only if the patient provides full and up-to-date information. The national consumer disputes redressal commission (NCDRC) gave a very important judgment on 22nd November 2011 by Hon'ble Justice Mr Ashok Bhan (President) and Hon'ble Mrs Vineeta Rai (Member) in the case of Dr VS Malik vs Avik Mukherjee (State Consumer Disputes Redressal Commission, Delhi in Appeal No.315/2007). It clearly stated that the doctor cannot be saddled with medical negligence if the patient does not cooperate (1). Past court cases also bring forth several strange allegations that patients have made, probably to harass the doctor or for financial gains. Examples include A. Venkata Chalam vs Apollo Hospital (27 December, 2013) before Andhra Pradesh State Consumer Dispute Redressal Commission (SCDRC), Hyderabad

C.C.No.36/2011, Dr. Pradip Kumar Mitra vs Sri Swapan Kumar Roy (12 November, 2014) before West Bengal SCDRC, Kolkata S.C. Case No.FA/455/2013 and Bhabha Atomic Research Centre vs Mr.Jay Kumar Jolad (9 September, 2010) before Maharashtra SCDRC, Mumbai, First Appeal No.102/2008. (2-5) Courts have also taken cognizance of false accusations against doctors and initiated appropriate proceedings (6). On 30th August 2018, the Ministry of Health and Family Welfare has placed in public domain, the Charter of Patients Rights vide F. No Z-28015/18/2018-MH-II). This has a specific section on responsibilities of patients and caretakers as shown in Table 1 (7). It is well known that there are many grey areas in the field of consent law in India. This needs to be eliminated by proactive intervention by the concerned professionals (8,9). We also believe that consent with active involvement by patient is vital to make it real consent. This document is the consensus on the first consent (or undertaking or declaration) that the patient should be asked to provide at the time of initial presentation to a doctor/ registration at a healthcare facility. This consent is NOT dependent on diagnosis or line of management. It is

allegations that are often made in hindsight to take advantage of the loopholes in our legal system. This will ensure that the doctor has necessary information to take appropriate patient management decisions from time to time as well as for protecting the healthcare facility/hospital or doctor/team. This is also based on the legal principle that consent is a contract between two parties. While the common meaning of consent is permission, the law perceives it as a contract i.e. an agreement enforceable by law (10). Based on our past experience and systematic procedure adapted, we therefore developed the following consensus recommendation for patient consent to be obtained in the normal practice setting at first registration/ presentation to doctor/ healthcare facility. It can also be called declaration or undertaking under oath. (11-13). We believe that this will enable the patient to be equal partners with doctors in providing correct information, in taking timely action, in maintaining records and be responsible for wrong actions.

Consensus recommendation for patient consent to be obtained in the normal practice setting at first registration/ presentation to doctor/ healthcare facility:

1. I am proficient in _____ language and have opted for consent in _____ language.
2. I have come to you for medical management of my own free will and as a conscious choice that i have made.
3. I agree to abide by and

consent that empowers the patient by clearly documenting what is expected from him/her for their own benefit as well as prevents false/ post facto

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Table 1: Responsibilities of patients and caretakers (Ministry of Health and Family Welfare, Charter of Patients Rights, F. No Z-28015/18/2018-MH-II).

1	Patients should provide all required health related information to their doctor, in response to the doctor's queries without concealing any relevant information, so that diagnosis and treatment can be facilitated.
2	Patients should cooperate with the doctor during examination, diagnostic tests and treatment, and should follow doctor's advice, while keeping in view their right to participate in decision making related to treatment.
3	Patients should follow all instructions regarding appointment time, cooperate with hospital staff and fellow patients, avoid creating disturbance to other patients, and maintain cleanliness in the hospital.
4	Patients should respect the dignity of the doctor and other hospital staff as human beings and as professionals. Whatever the grievance may be, patient / caregivers should not resort to violence in any form and damage or destroy any property of the hospital or the service provider.
5	The Patients should take responsibility for their actions based on choices made regarding treatment options
https://mohfw.gov.in/sites/default/files/PatientCharterforcomments.pdf	

comply with hospital policy.

4. I have taken a tour of the facility and am aware of the infrastructure, personnel, hygiene, etc. I am also aware of its limitations. I am satisfied with the facility.
5. I am aware that the Indian laws consider it a serious crime to damage healthcare facility or assault healthcare personnel. I am also aware that such actions can lead to prison sentence and or fine. I promise not to indulge in such criminal activities nor will i allow my relatives and friends to do so. (https://www.business-standard.com/article/pti-stories/gujarat-bjp-mp-sentenced-to-3-yrs-for-assaulting-govt-doctor-116041301131_1.html)
6. As a patient i am aware that it is my responsibility to comply with the instructions provided by the doctors. It is also my responsibility to disclose truthfully and completely all my health ailments, complaints and any alternate medication that i am taking. I also know that it is my responsibility to provide in writing in a prompt and timely manner any change that occurs in them from time to time.
7. I am fully aware that neither the healthcare facility nor any of its healthcare professionals are offering any guarantee of any investigations or treatment that will be offered to me.
8. I am aware that the facility is under CCTV surveillance at appropriate places.
9. I agree that in case of deterioration in my medical condition or in case of emergency, the healthcare professionals will decide whether i need to be moved to another center and I will comply with their decision. I expressly give my consent for the same.
10. I am aware that i will be treated by a

team of healthcare professionals and that one specific healthcare professional will not be available at all times. It will be the facility's prerogative to provide any suitable healthcare professional from their team for my medical management.

11. I am aware that any recording in any form can be done by me and/or my representatives only after disclosing the intention in writing and obtaining the consent of the concerned healthcare professional and / or the facility administration.
12. I am aware that in case i am not satisfied with the facility or the medical management, i will give written complaint regarding the same as soon as possible so that there is an opportunity to investigate the complaint and take remedial actions as deemed necessary by the facility/ healthcare professionals. If i do not raise such a complaint in writing and take acknowledgment of having submitted the same, it is implied that i am fully satisfied with my medical management as well as the services of the facility.
13. I give my permission for my medical details, including photos, images, reports, etc to be shared with the healthcare professionals within the facility, with their colleagues as required, to be forwarded to others for second opinion as required and for use for medical educational purposes including for scientific presentations and publications.
14. I know that it is my duty to maintain a patient diary that includes daily records of my condition, my medical complaints/symptoms and my medication. I am aware that this is a vital component to

ensure that my medical management is optimized and i will bring it with me at every visit. I also know that it is my responsibility to bring to the notice of the doctors in writing and take their acknowledgement confirmation for any new medical symptom or development.

15. My designated spokesperson/ representative is Mr/ Mrs _____ with phone no _____, email address _____ and postal address _____. My designated person is responsible for liaisoning with the facility/personnel and will make himself/herself available regularly at mutually convenient times to understand the my medical progress. In case of an emergency this person is the one authorized to take decisions on my behalf and should be contacted by the facility. In case i need to change my spokesperson/representative, i will give the information in writing and take acknowledgment signature from the administration for the same.

16. I am aware that if i or my family is requesting a counseling session, my spokesperson/ representative will ask for an appropriate appointment in advance and all the family members/ friends interested in knowing about my medical condition will be present at the appointed time and place.

17. I am aware that the world wide web and online sites have a lot of material that is in the form of non-curved personal opinion and experiences that have not been verified, tested by rigor of scientific evaluation and/or peer review. Such information is often contradictory and/or misleading. If i have any doubts or questions regarding such information or online posts, i will ask my doubts in writing and take acknowledgement of the same. In case i do not ask for any such queries in writing, it is presumed that i have no such doubts or questions.

18. I undertake to make payment of deposit(s) and bills raised by facility from time to time in a timely manner. I know that if i do not make such payments it is an indication of my willful default and premeditated intention to cheat the facility.

19. I understand that the privacy if healthcare professionals is important. I am aware that it is not necessary for healthcare professionals to disclose their personal contact details and I undertake not to disturb them in this manner outside normal

duty hours and outside the facility.

20. I am aware that in case of a perceived medical emergency i have to come to the facility for urgent medical attention. I will not waste time in trying to call the healthcare professionals for advice or for any other reason. In case i am unable to reach the facility, i am aware that it is my responsibility to reach the nearest available healthcare facility.

21. I accept that in case any of the point(s) mentioned in this consent document is

considered as illegal, only that point(s) will not be applicable. The rest of the consent document will be applicable and enforceable by law.

22. My identity is verifiable by the government issue photo identity whose details i am providing below:

- Full Name
- Govt issue photo ID type
- Govt issue photo ID number
- Full address

Signature of Patient

Name of Patient

Date

Place

In the presence of

Signature of Healthcare Representative

Name of Healthcare Representative

Place

Date

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