

MBPC3043 LEGAL FRAMEWORK IN HEALTH CARE (3-0-0)

Course Objective:

- To explore the rights and responsibilities of healthcare providers and patients.
- To understand key regulations such as the Clinical Establishment Act, Medical Council regulations, and patient privacy laws.
- To examine legal risk management and medico-legal issues in hospital settings.

Module - I

Introduction to Health Laws :Law, society, and legal systems, Health as a human right, Constitutional provisions (Article 21, Article 47), Role of WHO and international health law.

Legal issues in hospital administration: Medical Records - Definition - importance of Medical Records - Statutory provisions - Doctrine of estoppel - Bolam test - Vicarious liability- negligence - medical negligence - kinds of negligence - gross and criminal negligence - Egg-shell skull doctrine - provisions for emergency cases - medico-legal issues- suspicious death - production of medical records before a court - Deposition of medical professional before a court.

Module - II

Medical Profession and legal commitments:

Medical professionals and their duties to society - Definitions and meaning of legal phrases used in Criminal Law - The dying declaration - Summons to the medical practitioner - Rights of unborn child - Medico-legal concerns - Pollution control legislations - Biomedical waste disposal - The Drugs and Cosmetics Act, 1940 - Medical Ethics - Doctor-patient contract - Consent by patients and informed consent - Law of torts - professional negligence - Consumer Protection Act, 1986.

Laws pertaining to Hospitals: Transplantation of Human Organs Act, 1994– Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994– Medical Negligence– Medico Legal Case– Dying Declaration-MCI act on medical education. The Biomedical Waste (Management and Handling) Rules- Radiation Safety System

Module - III

Medical Legal Commitments:

MTP Act – PC&PNDT Act - Mental Health Act - Euthanasia - State Medical Councils - Indian Medical Council - Human Organ Transplantation - Legal and Ethical Issues of HIV in Medical Practice - Handling RTA/MLC cases in Hospitals - Medical confidentiality - Patients' interest - IHO, WHO, NGO.

Course Outcomes:

- Explain the structure of healthcare law in India and its relevance to hospital management.
- Identify the legal obligations of medical professionals in clinical and administrative contexts.
- Apply ethical and legal considerations when handling patient data and health records.

Text Books:

1. J. Stuart Showalter, 'The Law of Health care Administration' 8th edition, Health administration publisher, 2017
2. Raj Kumar, Acts Applicable to Hospitals in India (The Christian Medical Association of India, New Delhi) 2009
3. BM Sakharkar, PRINCIPLES OF HOSPITAL ADMINISTRATION AND PLANNING Jaypee brothers Publications.
4. N.D. Kapoor, Elements of Mercantile Law (Sultan Chand and Sons, New Delhi) ISBN 8170142067