



Ethical and Procedural Lapses in Kerala Surgical Incident

For Prelims: Principles of Medical Ethics, [Indian Penal Code \(IPC\)](#)

For Mains: Ethical implications of medical negligence, Determinants and Consequences of Ethics in Human Action

Source: IE

Why in News?

Recently, a Kerala doctor was suspended for **mistakenly performing tongue surgery instead of removing a child's extra finger.**

- This occurred at the Government Medical College Hospital in Kozhikode. Legal action was taken against the doctor under [Indian Penal Code \(IPC\) Sections 336 and 337](#) for endangering life.
- This highlights the critical need for strict adherence to medical protocols and ethics.

How do Ethics Guide Medical Practice?

- Ethical principles are foundational in medical practice, often guiding actions more than legal requirements. The **four primary principles include:**
 - **Autonomy:** Respecting the patient's right to make informed decisions about their treatment by obtaining proper informed consent.
 - The consent provided by the child's parents was for a finger surgery, not a tongue surgery, thereby breaching the child's autonomy.
 - **Beneficence:** Acting in the best interests of the patient's health and well-being throughout the surgical process.
 - Performing the wrong surgical procedure does not align with the patient's needs or best interests.
 - **Non-maleficence:** Avoiding harm to the patient. A provisionally or fully registered medical practitioner shall not willfully **commit an act of negligence that may deprive the patient of necessary medical care.**
 - In this incident, the child was subjected to an unnecessary and harmful procedure on her tongue, which is a clear violation of this principle.
 - **Justice:** Treating all patients fairly and equitably, without discrimination based on factors like religion, nationality, race, or social standing.
 - This incident raises concerns about whether the child received fair treatment, especially in comparison to standards expected in medical care.
- **Hippocratic Oath:** It is a cornerstone for fresh medical graduates and is recited during convocation ceremonies, binding them to a code of ethics. **Encompassing principles outlined in the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations 2002**, it pledges commitment to humanity's service, adherence to medical laws, respect for life, patient welfare prioritisation, confidentiality, gratitude to teachers, and collegial respect.
 - This oath serves as a moral compass, guiding physicians to uphold the esteemed traditions

and ethical standards of the medical profession.

What Ethical Principles are at Stake in Kerala Surgical Incident?

- **Integrity and Objectivity:** The doctor's actions lacked integrity and objectivity, which are foundational values expected in any service, especially healthcare.
- **Dedication to Public Service:** Dedication to patient welfare is fundamental. The surgical mistake indicates a failure in this dedication.
 - Physicians are expected to maintain a high standard of medical practice and care. The surgical error indicates a failure to uphold these duties and responsibilities.
- **Patient Trust and Confidentiality:** Trust is a critical component of the physician-patient relationship.
 - Such incidents can erode trust not only between the patient and the physician but also in the broader healthcare system.
- **Accountability and Ethical Governance:** The doctor's actions raise questions about accountability within the hospital's governance structure.
 - The incident highlights the ethical dilemmas faced in healthcare, emphasizing the need for strict adherence to ethical guidelines.

Way Forward

- **Structured Communication Protocols:** Implementing structured communication protocols, such as the **SBAR (Situation-Background-Assessment-Recommendation)** technique, can improve clarity and reduce errors.
 - Ensuring informed consent involves a detailed explanation of the procedure, risks, benefits, and alternatives, along with verification of understanding.
- **Strengthening Preoperative Verification:** Adopting a **mandatory "time-out" procedure** immediately before surgery to confirm patient identity, surgical site, and planned procedure with the entire surgical team present.
- **Transparent Investigation Process:** Ensuring that investigations into incidents are transparent and the findings are shared with the public to restore trust in the healthcare system.
- **Compensation:** victims have the right to seek just compensation for the harm they've endured. This compensation should go beyond the immediate financial burden of medical bills. It should encompass both the tangible and intangible losses suffered.
- **Promoting a Culture of Ethical Awareness:** Initiate comprehensive training programs and workshops to educate healthcare professionals about ethical principles and their application in medical practice.
 - Foster a culture of open dialogue and transparency within healthcare institutions to encourage discussions on ethical dilemmas and best practices.
- **Legal and Ethical Codes of Conduct:** Advocate for the implementation of **legally implied codes of conduct** that outline clear ethical expectations for healthcare professionals.
 - Emphasise the importance of socially enforced codes of ethics that promote integrity, compassion, and professionalism in medical practice.
 - Foster a supportive and collaborative work environment that values ethical conduct, professionalism, and **patient-centred care**.

Drishti Mains Question:

Q. "Trust is the foundation of the physician-patient relationship, and incidents of medical negligence can erode this trust." Critically analyse this statement and suggest measures to restore public trust in the healthcare system.

