

LANDMARK JUDGEMENTS THAT HAVE IMPACTED HEALTHCARE DELIVERY

Day: Saturday

Date: May 2st, 2015

Time: 2:00 p.m. to 3:00 p.m.

Venue: Auditorium, Symbiosis International University, Lavale campus, Pune

Speakers: Dr. Shashikala Gurpur, Dr. Santosh Kakade, Adv. Milind Salunkhe

Dr. Shashikal Gurpur is the Dean, Faculty of Law; and Director, Symbiosis Law School, Pune. She initiated the session by explaining the concept of healthcare delivery. An important transformation is the patient's view of the doctor, which has changed from viewing the doctor as a "god-like" persona to viewing him as being the "captain-of-the-ship". The relationship has also developed a "commercialized" aspect to it. She explained what a landmark judgment means: one that sets a precedent in the legal framework. These cases are mostly settled by the High Court, the Supreme Court, and the National Consumer Commission. She further explained that a judgments is based on the IRAC formula ('I' for identifying issues, 'R' for governing rules, 'A' for analysis, and 'C' for conclusion that is given by the presiding officer).

Dr. Santhosh Kakade, Founder MD and CEO of Core India Institute Of Legal Medicine, Pune, described various cases wherein landmark judgments have been awarded. He also gave a brief explanation of these judgments. He explained that when the patient is brought to a hospital in an emergency case, the doctor must stabilize the patient before transporting him to another hospital. Unless the doctor seeks permission from the patient, he cannot proceed with treatment for an ailment for which the patient has not consented.

Adv. Milind Salunkhe, who is a renowned advocate, discussed the case of Kunal Shah. He also pointed out the difference between criminal and civil liability in the context of medico-legal cases. He referred to recent judgments to explain the many ways in which the two are different.

He emphasized that any legal case that involves a medical record in a hospital falls under the purview of the “Right to Information Act”. Further, medical records are to be given to the patient as and when required.