

## **EMERGING ISSUES OF MEDICOLEGAL ASPECTS DURING CURRENT COVID -19 PANDEMIC OUTBREAK-A LITERARY REVIEW**

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### **ABSTRACT**

The current pandemic situation of covid-19 have challenged medicolegal limits beyond imaginary levels. In such situation concepts of medical ethics, research ethics, medical negligence and malpractice, human rights are all being redefined. We examine the challenging scenarios wherein ethical, moral and medicolegal rights have been stretched in pandemic times. We aim to examine medical ethics issues, medical responsibilities, Autopsy conduction issues and research scenarios during pandemic times with intention to seek appropriate solution.

**KEYWORDS:** Medicolegal, covid-19, autopsy, ethics, pandemic, human rights.

### **INTRODUCTION**

Agadanttra evum vyavahar ayurved vidhivaidyaka, the subject includes study of poisons and its treatment as well as medical jurisprudence and forensic medicine. Therefore study of medicolegal aspects comes under this subject. Currently the world is facing pandemic outbreak of covid-19. Globally every country is affected to different degrees. Countries are facing challenges economically, on healthcare aspects and medicolegal aspects. Here we are going to look into the emerging medicolegal challenges faced during current era of pandemic.

### **AIMS AND OBJECTIVES**

1. To study medicolegal aspects of emerging issues during covid-19 situation.
2. To seek appropriate solution.

## MATERIALS AND METHODS

1. Online journals
2. Internet
3. Forensic textbooks.

### Review of study is conducted under following headings

1. Medical ethics issues
2. Medical responsibility issues
3. Autopsy conduction issue
4. Research scenarios
5. Enhanced positions and temporary registrations
6. Remote consultations and telemedicine

#### 1. Medical ethics issues

In this pandemic situation, some people get panicked for the fear of infection spread while others feel shame and try to cover up the infected cases. Medicolegally, it is known that confidentiality and maintaining professional secrecy are main principles in physician-patient relationship where physician is prohibited to disclose patient's name or any other information to maintain privacy. But in covid-19 situation it is permitted for the physician to disclose patient's information and notify public authority and relatives about the condition of patient for quarantine and to prevent spread of infection.

In another approach, the allocation of scarce healthcare resources and the equivalence of withholding and withdrawing medical interventions is one of the ethical dilemmas that emerged during covid 19 pandemic. So in some countries allocation of life saving ventilators during this pandemic were unacceptable ethically.

Also there is ethical strategy in epidemics, emergencies and disasters that is recommended and authorized by WHO that includes triages criteria based on saving the greatest number of people, protecting most vulnerable, equal access, priority for most important, and first come first served.

#### 2. Medical responsibilities and malpractice issues

Patients has the right to be examined and diagnosed by the physician. It is not the right of the physician to refuse examination of Covid -19 patients because of the fear to be infected . So

physicians should do his duty by following the necessary precautions and biosafety measures. Also it is the right of the patient to receive scientifically recognized treatment with proven efficacy and known of its potential side effects. Unfortunately the treatment for covid-19 is not available until now. The commitment of the physicians to apply some therapeutic protocols that are authorized by official health agencies such as WHO is not considered malpractice in this pandemic outbreak.

### **3. Autopsy conduction issues**

In current pandemic situation when a patient is brought dead, not knowing the previous history, the forensic expert should remind himself to apply biosafety measures while conducting postmortem. Unisversal standard precautions and suitable operating procedures for post mortem examination of covid-19 cases should be applied.

Thus the personel protective equipement and adequate ventilation in separate negative pressure autopsy room are vital besides suitable infrastructure of sutopsy room.

The role of forensic expert is to conduct a legal autopsy in criminal cases but during this pandemic via sharing the pathological findings of postmortem examination of covid-19 cases to compensate shortcomings of the available information about the pathogenesis mechanism of this infection showing role of other risk factors and other affected organs wherein covid-19 is not restricted to respiratory system only.

Also autopsy in covid-19 cases may play an important role for estimation of potential risk of infection spread to other people after death.

### **4. Research scenarios**

The urgency to find treatment intervention benefits in pandemic could often harm upon basic rights of research subjects. These subjects could be layman, healthcare worker, infected patient or people having non covid ailments. The basic principles in pandemic research should concentrate on scientific validity, social value, risk-benefit ratios, fair and voluntary participation and equal moral respect for participants and cleared by independent fair reviews.

### **5. Enhanced positions and temporary registrations**

To meet healthcare workforce needs in such pandemic, medical students and resident doctorsand interns may need to be urgently recruited for clinical services before completing

their qualifying examinations. They would be expected to provide professional services but with limited liabilities in current emergencies.

### **6. Remote consultation and telemedicine**

Telemedicine services, despite few limitations are invaluable in current pandemic times. Telemedicine in routine is not recommended since it includes prescription and consultation without direct clinical examination. This may increase the the possibilities of errors. But in this pandemic era where it has been difficult to reach out to people due to spread of infection use of telemedicine has helped in reaching out to people and providing a helping hand through valuable consultation.

### **DISCUSSION**

Covid-19 has created crisis globally creating challenges and issues due to its rapid spread, unknown pathogenesis, unidentified treatment and vaccination. So there are some medico legal issues that have arisen such as medical ethics issues, scientific research ethics, medical responsibilities and malpractice issues. Also this covid-19 infection is also considered as occupational hazard in workplace causing another medico legal issue.

Lastly, the survival of covid-19 virus in different body samples after death is medico legal issue emerging during autopsy conduction of covid-19 cases.

### **CONCLUSION**

In current vulnerable pandemic situation medico legal challenges are being faced by healthcare workers and researchers. All these people strive to abide by highest ethical and moral standards despite difficult circumstances. Thus, when these times passed and reviewed by future generations, one must not be caught off guard. Containing the pandemic and preserving patient's rights both should have equal priorities despite moment of conflicts.

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