



Editorial

Legal Aspects of Pathology Practice

Though the error is human, the medical professionals always act with utmost care and skill to minimize this error to provide patients the highest standard of care. But the changing mind set of the people considers this minimal human error, a negligence act and a way for potential litigation. The practice of medicine has become a difficult task for the professionals involved in patient care in view of such rising litigations.

The role of the pathologist in patient care is sprouting, and they are capturing an active role in patients' care. The practice of Pathology is also prone to human errors and practicing pathologists need to be cautious during their practice while interpreting the findings and revealing results of the tests performed. The guidelines to be followed as well as proper medico legal work, essential to provide justice to the victim must always be kept in mind. The best way to avoid lawsuits for any clinician is appropriate direct communication with patients and patients' families. Though the pathologists have little direct patient contact on a routine basis, their communication in the form of well written, clear surgical pathology reports evades the potential medico legal risk.

The ethical and legal guidelines regarding patient care in the medical profession are also applicable to pathologists. Maintaining confidentiality is important while releasing pathology reports and they are only released to the concerned person because disclosure of information obtained from a pathology examination to unauthorized persons amounts to breach of confidentiality, and may result in legal action. All the reports whether conveyed electronically or otherwise must be considered confidential information. All records should be properly controlled, readily accessible and available for use, eventually archived or otherwise disposed of carefully. It is the duty of pathologists to make sure that the reports they issue are received by the person who has a moral, social or legal right to receive them. Even the pathologists are vicariously liable if there is uncontrolled disclosure of patient information by their staff.

The pathologists may get sued for wrong or misdiagnosis. Though they are not directly involved in patient care, they are liable for their role in the case. But sometimes even with correct diagnosis the pathologists are dragged into the lawsuit because of cases registered against the physicians for their suspected wrong doings and everybody contributed or involved in that patient management directly or indirectly would be summoned.

The incidence of litigations against pathologists is increasing as patients and their advocates have recognized the role of pathologists in patient care and diagnosis. The strict adherence to the professional ethics and practicing guidelines would help them to evade litigations. It is important for pathologists to become familiar with the current practicing trends in their specialty and have familiarity with the legal issues presented by these trends.

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