

Commentary

Medical jousting: ethical and legal considerations

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ABSTRACT

Medical jousting refers to making insulting or disparaging remarks about a fellow medical practitioner, usually in front of the patient or next of kin of the patient. These comments can be made intentionally or unintentionally. The results can be stressful for the patient and the medical professionals involved. Medical jousting produces various ethical and legal issues. To reduce instances of medical jousting, regulatory bodies of the medical profession should declare the act of jousting unethical and punishable with disciplinary action. Medical practitioners should think rationally before criticizing another medical practitioner and communicate with them directly to avoid any conflict.

Keywords: Doctor jousting, Physicians criticizing physicians, Jousting in the medical profession, Ethical issues, Legal issues

INTRODUCTION

The word 'Jousting' refers to 'competing closely for superiority'.¹ Jousting, otherwise, is a medieval sport in which two athletes on horseback fight with lances.¹ In the modern era, 'Medical jousting' is defined as inappropriate and derogatory remarks or actions of a medical professional towards another medical professional.² Such comments or remarks are not exclusively directed at doctors, but at times towards nursing staff, hospital administration, or hospital equipment, etc.³ Jousting is usually done before the patient or their relatives regarding the treatment provided by another doctor previously, to show one's superiority or to question the competency of another doctor.⁴ Apart from verbal comments, jousting includes written remarks on the treating doctor in the treatment record of the patient or criticizing someone on social media.⁴

INTENTIONAL VERSUS UNINTENTIONAL JOUSTING

Jousting is intentional when it is done consciously with forethought to question the credentials and competency of another physician. Many a time, a physician criticizes another physician unknowingly or without forethought of possible consequences; that may be referred to as unintentional jousting. In this reference, Bowen's theory explains a typical interpersonal phenomenon known as "triangulation".⁵ In an attempt to alleviate triggered anxiety, a person (the doctor) conveys his or her concerns to a third party (the patient) about the source of the anxiety (the former doctor) without forethought of doing so. In clinical practice, there can be a trigger for anxiety when a physician comes to know that the former treating physician did not order the necessary investigations, provide the required treatment, or convey the diagnosis of a serious disease to the patient in a manner that the patient

can understand thoroughly, and engages in unintentional jousting.⁵ Criticizing a former doctor to a patient may relieve some of the physician's stress, but it does not resolve the initial issue and can make the patient very uncomfortable.⁵ For de-triangulation, treating physician has to speak with the previously treating physician rather than the patient.⁵ There is a need for awareness to avoid such unintentional jousting. On the other hand, intentional jousting should be strictly avoided in medical practice.

EFFECTS OF MEDICAL JOUSTING ON MEDICAL PRACTICE

Jousting can lead to mental stress, negative publicity, loss of practice, possible physical assault, or litigation from the patient side.^{4,5} The medical practitioner who resorted to jousting, especially by writing remarks on the patient's case records, may be dragged into negligence suits as a quasi-expert to give testimony against physician in question.³ It becomes difficult for jousted doctor to defend the claim or allegation in such cases. Even such doctors can sue the jousting doctor for defamation and negative publicity. Overall, jousting can lead to reduced trust of patients in the medical profession and doctors, communication breakdown between the medical professionals and demoralization of the medical professionals.

EFFECTS OF MEDICAL JOUSTING ON THE PATIENT

Jousting can cause distress and confusion to the patients and their families regarding the diagnosis and treatment of the disease they are suffering from.⁵ A doctor criticizing another doctor's treatment may assume that he or she is being transparent with the patient, but the patient may feel trapped between two specialists, especially in cases of life-threatening disease.⁵ Patients may start doubting the doctors and opt for 'Doctor shopping'.⁴ In extreme cases, it may result in violence against the doctors or even negligence suits.⁴

MEDICAL JOUSTING-AN ETHICAL ISSUE

Any unwarranted comments on the competency of a fellow medical professional in front of patients, their caretakers, or any other disinterested person are ethically unacceptable. The regulatory bodies of the medical profession should issue a regulatory warning, rendering criticism of another medical practitioner an unethical practice and punishable by disciplinary action against the wrongdoer.⁴ Any medical error or unethical behaviour should be reported through the proper channels to the governing agencies to ensure the patient's safety and corrective measures in the practices of the concerned colleague. In this regard, the American College of Physicians Ethics Manual states that "It is unethical for a physician to disparage the professional competence, knowledge, qualifications, or services of another physician to a patient or third party or to state or imply

that a patient has been poorly managed or mistreated by a colleague, without substantial evidence".⁶ The National Medical Commission of India has reinforced the same by stating that "In consultations, professional rivalry should not be indulged in. All due respect is owed to the registered medical practitioner (RMP) in charge of the case, and no derogatory statement or remark be made which would impair the confidence reposed in him by the patient. For this purpose, professional discussions should not take place in the presence of the patient or family or legally appointed representative. The specialist must provide the clinical opinion only to the RMP who referred the patient. Every discussion/opinion regarding the patient should be kept confidential".⁷

SUGGESTIONS TO REDUCE MEDICAL JOUSTING

Whenever a patient comes to a doctor after receiving treatment from another, the treating doctor should listen to the patient carefully, think rationally, and act sensibly without making negative or derogatory remarks regarding the advice and treatment of the previous physician.⁸ Patients are often inquisitive about the treatment provided by another physician, especially in cases of worsening of the disease or the appearance of new symptoms. In such a situation, the physician should remind the patient that he was simply not there and that he doesn't have a complete idea of the circumstances and the treatment provided by the previous physician.³ To avoid unintentional jousting in such a situation, the doctor should engage in direct conversation with patients' other relevant health experts to allow productive and comprehensible advice to the patient.⁵ Consultation with another colleague may be valuable when direct communication is not feasible. Intentional jousting should be strictly prohibited by the competent medical authorities and should be punished with disciplinary action.

CONCLUSION

Medical jousting is becoming increasingly rampant in the practice of medicine, which is a cause for concern, as it has negative consequences for both the doctor and the patient. It often affects the reputation and relationships of healthcare professionals and can result in unnecessary litigation and violence against medical professionals. Jousting should be categorically condemned as professionally unethical, and efforts for its elimination should be encouraged at all levels. Respect amongst health care professionals has been linked to enhanced quality of treatment, reduced pain and duration of stay, and improved patient function and safety. Thus, curbing the menace of medical jousting will be an important step in creating a culture of respect that is essential for the prosperity of the profession.

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