

LETTER TO THE EDITOR

Commandos of medicine and legal liability

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The emergency department is the frontline healthcare facility for any patient, even a patient who has never visited such a facility; therefore, healthcare workers in emergency departments work on the front lines and interact with patients of any gender, race, and age. In addition, emergency department healthcare workers, particularly doctors, are forced to make crucial, quick decisions to help patients. Therefore, calling these healthcare workers “commandos of medicine” is logical and rational. However, the decisions that these healthcare workers must make raise multiple legal questions, such as the patient’s consent to treatment. Can all patients be treated in the same manner? In emergency departments, which are often crowded with patients, it is not easy to precisely determine the ability of each patient to give consent. In addition, an emergency doctor’s dealings with the public, including patients and their families, as well as his/her interactions with healthcare workers of other specialties, administrators and security authorities, opens him/her up to disciplinary, civil, or even criminal legal accountability. For example, if an emergency doctor examines a patient who has suffered an injury while under the influence of intoxicants or narcotics, who is a minor and who appears to be unmarried and pregnant, the doctor must navigate a labyrinth of legal responsibility. This situation makes it difficult for him/her to make the appropriate decision at the right time, especially if he/she has limited familiarity with the legal culture, if there is an absence of clear policies in the facility, or if the policies lack a legal basis. Equipping emergency department workers, especially doctors, with knowledge of the legal culture surrounding their

professional practice is necessary to address the reality of hospital emergency departments, including the diversity of patients, the social class of patients, and the nature of the place. A familiarity with the legal culture enables healthcare practitioners in emergency departments to set priorities and make sound, legal and justified decisions, even when these decisions are unusual. Part of the training of healthcare workers in emergency departments, especially doctors, should focus on the legal aspect of practicing the profession, the process of dealing with legal dilemmas, and the behavior that healthcare practitioners should adopt to protect themselves when they are held legally accountable. Such training would enhance healthcare workers’ familiarity with the legal culture and enable them to defend themselves and their decisions in a justified and legal manner. The role of the law is to be preventive and curative so that professional practitioners in emergency departments do not have to attempt to evade practice and treat in a purely preventive manner (defensive medicine).

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