

Health Law and Ethics

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MHA 633

Duties and Responsibilities of Physician and Patient

Lecture 3



In the previous Lecture: A practical approach to ethics

Key concepts in medical ethics

Medical Ethics Vs Bioethics

What Are Ethical Principles?

- ☐ The Principle of Non-Maleficence
- ☐ The Principle of Beneficence
- ☐ The Principle of Autonomy
- ☐ The Principle of Veracity
- ☐ The Principle of Confidentiality
- ☐ The Principle of Justice
- ☐ The Principle of Privacy

Duties and Responsibilities of Physician and Patient

- ✓ Duties and responsibilities of physician
- ✓ Patients Bill of Rights
- ✓ Patients Rights
- ✓ Patients Responsibilities
- ✓ Unethical Acts
- ✓ Punishment & Disciplinary Action

Duties and responsibilities of physician **in general**

- Character of Physician
 - Uphold **dignity and honour** of his profession.
 - Render **service to humanity**.
 - Person with **recognized qualification** can only practice modern system of medicine.
- Maintaining **good medical practice**.
 - Render service to humanity with full respect for the dignity of profession and man.



Duties and responsibilities of physician **in general**

- Maintenance of Medical records
 - Maintain the medical records pertaining to his / her indoor patients for a **period of 3 years**.
 - Records to be **given within 72 hrs** (if requested by patients/legal authorities).
 - Maintain a **Register of Medical Certificates** giving full details of certificates issued.
- Display of registration numbers.
- Use of Generic names of drugs.



Duties and responsibilities of physician **in general**

- Highest **Quality Assurance** in patient care
- Exposure of Unethical Conduct
- Payment of Professional Services
 - Personal financial interests of a physician should not conflict with the medical interests of patients.
- Evasion of **Legal Restrictions**
 - Physician shall **observe the laws** of the country in regulating the practice of medicine.



Duties of Physician to **their patients**

- **Obligations to the sick**

- Always **respond to the calls** of the sick.
- Ailment **not within range** of experience he can refuse treatment and **refer**.

- **Patience, delicacy & secrecy**

- **Patience and delicacy** should characterize the physician.
- **Secrecy of patients to be maintained** except when required by laws of the state and to protect healthy individuals.



Duties of Physician to **their patients**

- **Prognosis**

- Neither exaggerate or minimize gravity of patient's condition

- **Do not neglect the patient**

- Physician free to choose.
 - Once undertaken should not neglect the case.
 - Respond to request in emergency.



Duties Of Physician in consultation

- **Avoid un-necessary consultation**
 - Consulting pathologist, radiologist or asking for lab investigation should be done judiciously .
- Consultation for **patient benefit**.
- **Punctuality** in consultation.
- **Statement to patient after consultation**.
- Treatment after consultation.
- Patient referred to specialist.
- Fees and other charges.



Responsibilities To Each Other

- Dependence of Physicians on each other
 - Should consider it as a **pleasure and privilege to render gratuitous service to all physicians** and their immediate family dependants.
- Conduct in consultation
 - **Respect** should be observed towards the **physician in-charge** of the case and no statement or remark be made.



Responsibilities To Each Other

- Consultant **not to take the charge** of the case.
- **Appointment of the substitute**
 - only when he has the capacity to discharge the additional responsibility along with his / her other duties
- Visiting another Physician's case-
 - **Avoid remarks upon the diagnosis or the treatment** that has been adopted.



Duties Of Physician To **Public And Paramedical Staff**

- Physicians as citizens
 - Should particularly **co-operate with the authorities** in the administration of sanitary/public health laws and regulations.
- Public and community health
 - Should enlighten the public **concerning quarantine regulations** and measures for the **prevention of epidemic and communicable diseases.**
- Pharmacists/nurses
 - Should promote and recognize their services and seek their cooperation.



The duties of a doctor registered with the General Medical Council GMC

Patients must be able to trust doctors with their lives and well-being. To justify that trust, we as a profession have a duty to maintain a good standard of practice and care and to show respect for human life. In particular as a doctor you must:

- make the care of your patient your first concern;
- treat every patient politely and considerately;
- respect patients' dignity and privacy;
- listen to patients and respect their views;
- give patients information in a way they can understand;
- respect the rights of patients to be fully involved in decisions about their care;
- keep your professional knowledge and skills up to date;
- recognise the limits of your professional competence;
- be honest and trustworthy;
- respect and protect confidential information;
- make sure that your personal beliefs do not prejudice your patients' care;
- act quickly to protect patients from risk if you have good reason to believe that you or a colleague may not be fit to practise;
- avoid abusing your position as a doctor; and
- work with colleagues in the ways that best serve patients' interests.

In all these matters you must never discriminate unfairly against your patients or colleagues. And you must always be prepared to justify your actions to them.

Patients Bill of Rights



What is Patient Bill of Rights?

- **It is a list of patient's rights. It offers guidance and protection to patients by stating the responsibilities that a hospital and its staff have toward them and their families during hospitalization, but it is not legally obligatory document.**

Importance of **patient's bill of rights**

1. To protect both a patient and a hospital.
2. To help patients feel more confident in the health care system.



Importance of **patient's bill of rights**

3. To stress the importance of a strong relationship between patients and their health care providers.

4. To arrange the rights and responsibilities for all patients and health care providers.



Patients Rights:

- **The right to receive information from physicians and to discuss the benefits, risks and costs of appropriate treatments**
- **The right to make decision regarding the health care that is recommended by physician.**
- **Be treated with respect and dignity**



Cont. Patients Rights

- Privacy and confidentiality, which includes access to medical records upon request.
- The right to continue health care
- Right to review records about his/her care and to have the information explained or interpreted as necessary, except when restricted by law.
- Participate in the development and implementation of care

Cont. Patients Rights

- **Refuse treatment in accordance with the law, and receive information about the refusal of treatment.**
- **Quality health care without discrimination because of race, creed, gender, religion or source of payment**
- **Consultation and communication**

Cont. Patients Rights

- **The patient has a right to expect all their communications and records related to their care will be treated as confidential by the hospital.**
- **The patient has a right to be informed of hospital policies and practices that relate to patient care, treatment and responsibilities.**



Cont. Patients Rights

- **Personal safety.**
- **Know the identity of the person treating the patient**
- **Informed consent for all procedures**
- **Complain or compliment without the fear of retaliation or compromise of access or quality of care**

Patients Responsibilities:

- A patient is responsible for keeping his/her appointments and if not able to make it to their appointment, a need to notify their office.
- A patient is responsible for reporting any changes.
- A patient is responsible to follow a treatment recommended by their doctor. (If a patient agreed to doctors' recommendation)
- A patient is responsible for following health care rules and regulations.
- Respect the autonomy of the doctors and nurses

Patients Responsibilities:

- A patient is responsible for following health care rules and regulations.
- Treat doctors and nurses with respect
- Be punctual to attend the clinics / hospital for the treatment at the given time and if not able to attend, a need to notify their office.
- To respect the privacy of others. NOTE: No photography is permitted at JHAH without prior written permission
- To respect that patients will be treated based on the urgency of their medical needs
- To safeguard all valuables you bring to the hospital
- To understand that some services are not available at Hospital. As a result, you may be referred to another hospital
- To follow all hospital policies and procedures (e.g. visiting hours, smoking policy, use of electrical equipment and safety of belongings)
- To use hospital facilities and equipment safely

Unethical Acts

- Advertising

- **Printing of self-photograph, or any such material of publicity in the letter head or on sign board of the consulting room or any such clinical establishment shall be regarded as acts of self-advertisement and unethical conduct on the part of the physician**
- **Not endorse any items**

Unethical Acts

- Advertising

Formal announcement in press

- (1) On starting practice.
- (2) On change of type of practice.
- (3) On changing address.
- (4) On temporary absence from duty.
- (5) On resumption of another practice.
- (6) On succeeding to another practice.
- (7) Public declaration of charges

Unethical Acts

- Advertising
- Patent and Copy rights:
 - May patent the items, methods & procedures
 - But it shall be unethical if benefits are not made available in interest of society
- Running an open shop (Dispensing of Drugs and Appliances by Physicians)

Unethical Acts

- Advertising
- Patent and Copy rights:
- Running an open shop (Dispensing of Drugs and Appliances by Physicians)
- Rebates and Commission
 - **A physician shall not give, or receive, any gift, gratuity, commission or bonus in consideration of or return for the referring, recommending or procuring of any patient for medical, surgical or other treatment**

Unethical Acts

- Advertising
- Patent and Copy rights:
- Running an open shop (Dispensing of Drugs and Appliances by Physicians)
- Rebates and Commission
- Secret Remedies

Should not prescribe or dispense secret remedial agents of which he does not know (composition, manufacture, use, etc.

Unethical Acts

- Advertising
- Patent and Copy rights:
- Running an open shop (Dispensing of Drugs and Appliances by Physicians)
- Rebates and Commission
- Secret Remedies
- Human Rights

Should not assist nor be a party to either infliction of mental or physical trauma or concealment of torture by another person

Unethical Acts

- Advertising
- Patent and Copy rights:
- Running an open shop (Dispensing of Drugs and Appliances by Physicians)
- Rebates and Commission
- Secret Remedies
- Human Rights
- Euthanasia

- **Practicing euthanasia shall constitute unethical conduct.**
- **However on specific occasion, the question of withdrawing supporting devices to sustain cardio-pulmonary function even after brain death, shall be decided only by a team of doctors and not merely by the treating physician alone**

Misconduct

- Violation of regulations
- improper conduct
- Conviction in court of law
- Sex determination test
- Signing false professional certificates, reports & other documents



Any registered practitioner who is shown to have signed or given under his name and authority any certificate, notification, report or document which is untrue, misleading or improper, is liable to have his name deleted from the Register

Punishment & Disciplinary Action

- Complaint is first heard by **appropriate medical council** .
- During the enquiry the full **opportunity is given to registered medical practitioner** to be heard in person or by pleader.
- The decision has to be taken within **6 months**.
- Appropriate medical council gives decision according to the case.
- During the **pendency** of the complaint the appropriate council **may restrain the physician** from performing the procedure or practice which is under scrutiny.

Punishment & Disciplinary Action

- Disciplinary Liability
- Article (31)
- Without prejudice to provisions of criminal or civil liability, a health practitioner who defaults in
- performing any duty provided for in this Law, violates relevant codes of practice or acts contrary
- to professional conduct or ethics, shall be accountable and subject to disciplinary measures.
- Article (32):
- Disciplinary penalties for professional violations shall be as follows:
- 1- Warning
- 2- A fine not exceeding ten thousand riyals.
- 3- Health profession license practicing cancellation, strike him off the roll of licensees. In
- case of license cancellation, reapplication for a new license may not be filed before the
- lapse of two years from the date of cancellation.

Law of Practicing Healthcare Professions

Issued under the Royal Decree No. M/59 dated 04/11/1426H and its implementing regulation issued by the ministerial resolution No. 4080489 dated 12/01/1430H

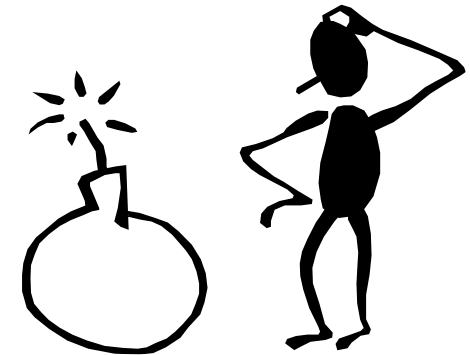
Punishment & Disciplinary Action

- The punishment given by the appropriate medical council or MCI includes:
 - **Warning**
 - **Reprimand** – official action
 - **Cancellation of registration**
 - Temporary – for specific period of time.
 - Permanent



Ethical Dilemma:

- Value conflicts, no clear consensus as to the “right” thing to do. A conflict between moral obligations that are difficult to reconcile and require moral reasoning.
- Situations necessitating a choice between two equal (usually undesirable) alternatives.



Ethical Issues in Modern Healthcare

In modern healthcare and research, value conflicts arise where often there appears to be no clear consensus as to the “Right thing to do.” These conflicts present problems requiring moral decisions and necessitates a choice between two or more alternatives.

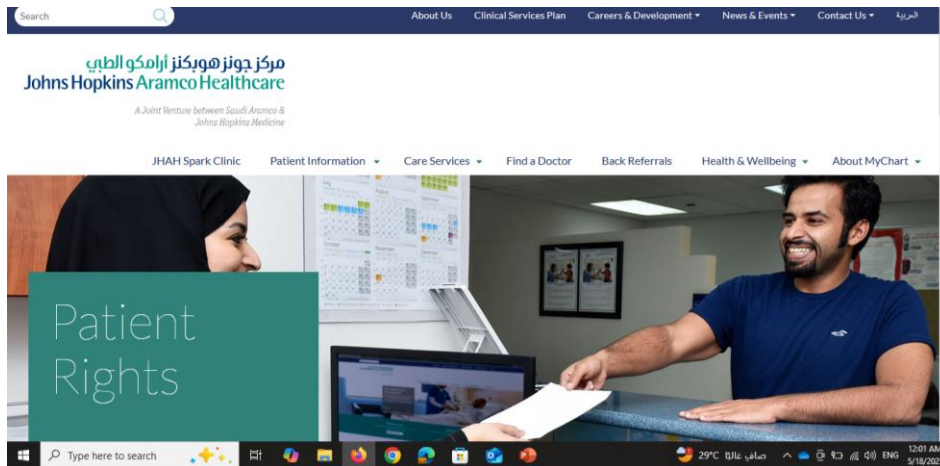
Examples:

- Should a parent have a right to refuse immunizations for his or her child?
- Does public safety supersede an individual's, right?

Conclusion

Law of Practicing Healthcare Professions

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Thank You