

# Medical Law and Ethics

# MEDICAL COUNCILS

- Education, qualifications
- Registration
- Medical ethics & etiquette
  - Morals & Conventions
- Disciplinary control
  - Professional misconduct & Professional death sentence
- Warning notices (Ethical malpractice)

# PROFESSIONAL MISCONDUCT

- Association with unqualified persons
  - employment, assistance, certification
- Advertising
  - direct – large name plate, telephone, prescription, press
  - indirect – articles, television, publicity
  - canvassing – agents, touts
- Adultery
- Abortion
- Intoxicated on duty
- Avoiding consultations

# PROFESSIONAL MISCONDUCT

- Attending another's patient
- Issuing false certificates
- Conviction by court of law for moral turpitude
- Contravening provisions of Drugs Acts
- Selling schedule poisons
- Running open shop for sale of medicines
- Writing prescriptions in secret formulae

# PROFESSIONAL MISCONDUCT

- Commercializing of secret remedy
- Refusing service on religious grounds
- Gross neglect of duties
- Disregard of responsibilities to patients
- Not attending a patient
- Lack of response in emergencies
- Talking disparagingly about colleagues
- Receiving or giving commission (dichotomy)

# PRACTITIONER & PATIENT

- When a patient comes to doctor -Implied contract
  - doctor patient relationship
    - If injury – damages can assessed – even if this service is without fees
- Doctor patient relationship not in cases:
  - In an emergency
  - Pre-employment checkup
  - Court orders for examination of accused
  - Request of attorney for law suit purposes

# DUTIES OF A REGISTERED MEDICAL PRACTITIONER

- Compulsory duties
- Voluntary duties

# COMPULSORY DUTIES

- Compulsory Notifications
  - Birth and deaths
  - Infectious diseases
  - Food poisoning in restaurants
  - Industrial diseases



# COMPULSORY DUTIES

- Responsibilities to the state
  - Emergency military services
  - Homicidal poisoning
  - Homicidal cases
  - Privileged communications
  - Unnatural deaths
  - Abuse of children, old and ladies

# VOLUNTARY DUTIES

- Responsibilities to patients
- Medical examinations
- Operations
- Issuing of certificates

# VOLUNTARY DUTIES

- Prisons and reformatories
- Medico-legal examinations
- Sending pathological material by post
- Attending to emergencies and accidents

# CONTINUE TO TREAT UNLESS

- Patient is well
- Under other responsible care
- Given notice by doctor
- Intention of changing the doctor
- Patient not cooperating
- Patient does not pay fees
- Consults another doctor without permission
- Disease is feigned

# REASONABLE CARE

- Use proper and clean appliances
- Furnish suitable medicines or legible prescriptions
- full directions in simple language

# REASONABLE CARE

- Held responsible for negligent choice for referring
- Suggest consultations
- Warning patient ,spouse family employer- if he is danger to himself or to others AIDS, epilepsy

# CONSULTATIONS

- Obscure and difficult case
- Diagnosis in doubt
- Case takes a serious turn
- Operation dangerous to life
- Case of criminal assault
- Affect intellectual or reproductive function
- Termination of pregnancy over 12 weeks

# CONSULTATIONS

- Criminal abortion
- Destructive operation of unborn child
- Suspicion of poisoning or criminal act
- Apprehensive or neurotic patient- full disclosure not possible and no person to get consent
- Do not resuscitate orders to be issued
- Dowry deaths – post mortem cases



# REASONABLE SKILL

- Average degree of skill
- Not responsible for error of judgement
- Reasonable skill and knowledge
- Adopt any theory in which he believes
- No experiment without consent
- Specialist: special degree of skill and knowledge and current knowledge

# PROFESSIONAL SECRETS

- Professional secret is the secret which a doctor comes to know about the patient during his practice in his professional capacity
- Should not divulge it
  - Unethical and illegal
  - Liable to damages for divulging it

# PRIVILEGED COMMUNICATIONS

- When a doctor is justified to make this communication
- It is a communication made by a doctor to a proper authority who has corresponding legal, social and moral duties to protect the public
- It must be sealed and labeled privileged communication

# PRIVILEGED COMMUNICATIONS

- In a court of law
- Moral or social duty
- In doctor's own interest
- Assist in apprehension of criminals
- In certain other cases
  - Servant sent by master
  - Insurance purposes

# IN A COURT OF LAW

- If judge rules: doctor must disclose this information otherwise it will be contempt of court
- Doctor can write this information and hand over to the judge

# MORAL OR SOCIAL DUTY

- Bar maid open tuberculosis
- Hotel waiter has typhoid
- Hypertension or epilepsy in bus driver
- Colour blindness in engine driver
- Communicable diseased person entering swimming bath
- Partners of AIDS patient
- Tendency to commit violent crimes

# In doctor's own interest

- Must notify births, deaths, communicable diseases, food poisoning or contamination of drinking water.
- Must notify cases of homicidal poisoning and others if death likely to police
- If in govt. job notify all types of poisoning to police

## **Assist in apprehension of criminals**

- If called to treat victim or accused of serious crimes like robbery or murder etc (Section 39 CrPC)
- Criminal abortion
- Person dies after attempted suicide



# IN CERTAIN OTHER CASES

- When a servant sent by master
- Insurance reports
- inquiries

# When a servant sent by master

- Affect capacity of work
- Confined to those matters which may affect the work
  - Fitness to work
  - Necessity for leave
  - Extent of disability
- When a worker claims compensation

# INSURANCE REPORTS

- Can write anything found on examination to insurance company
- Cannot write with his previous knowledge about the patient but better to refuse examination by reason of previous knowledge

# INQUIRIES

- Should not answer queries by
  - insurance companies, solicitors or any body else without the consent of the patient
  - Parents and relatives
  - Cause of death without the consent of nearest surviving relative

# DUTIES OF PATIENT

- Provide all information

- Must cooperate

- Carry out all instructions

Free from responsibility of treatment

- Pay the practitioner

Doctor can sue the patient