

Homoeopathic Practitioners (Professional Conduct, Etiquette and Code of Ethics) Regulations, 1982

UNION OF INDIA

India

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Rule

HOMOEOPATHIC-PRACTITIONERS-PROFESSIONAL-CONDUCT-ETIQUETTE of 1982

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Homoeopathic Practitioners (Professional Conduct, Etiquette and Code of Ethics) Regulations, 1982 In exercise of the powers conferred by clause (I) of section 33 read with section 24 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the Central Council of Homoeopathy, with the previous sanction of the Central Government, hereby makes the following regulations, namely : -

1.

These regulations may be called the Homoeopathic Practitioners (Professional Conduct, Etiquette and Code of Ethics) Regulations, 1982. I. Declaration and Oath

2.

(a) At the time of registration, each applicant shall submit the following declaration and oath read and signed by him to the Registrar concerned attested by the Registrar himself or by a registered practitioner of Homoeopathy : - (1) I solemnly pledge myself to consecrate my life to the service of humanity. (2) Even under threat, I will not use my medical knowledge contrary to the laws of humanity. (3) I will maintain the utmost respect for human life. (4) I will not permit considerations of religion, nationality, race, political beliefs or social standing to intervene between my duty and my patient. (5) I will practise my profession with conscience and dignity in accordance with the principles of Homoeopathy and/or in accordance with the principles of biochemic system of medicine (tissue remedies). (6) The health of my patient shall be my first consideration. (7) I will respect the secrets which are confided to me. (8) I will give to my teachers the respect and gratitude

which is their due.(9)I will maintain by all means in my power the honour and noble traditions of medical profession(10)My colleagues will be my brothers and sisters(11)I make these promises solemnly, freely and upon my honour(b)Hahnemannian Oath "On my honour I swear that I shall practise the teachings of Homoeopathy, perform my duty, render justice to my patients and help the sick whosoever comes to me for treatment. May the teachings of master Hahnemann inspire me and may I have the strength for fulfilment of my mission."II General Principles

3. Character of Medical Practitioner.

- The primary object of the medical profession is to render service to humanity with full respect for the dignity of man; financial reward is a subordinate consideration. Whosoever chooses this profession assumes the obligation to conduct himself in accordance with its ideals. A practitioner of Homoeopathy shall be an upright man, instructed in the art of healing. He shall keep himself pure in character and be diligent in caring for the sick. He shall be modest, sober, patient and prompt and do his duty without anxiety, and shall be pious and conduct himself with propriety in his profession and in all the actions of his life.

4. Standards of Character and Morals.

- The medical profession expects from its members the highest level of character and morals, and every practitioner of Homoeopathy owes to the profession and to the public alike a duty to attain such a level. It shall be incumbent on a practitioner of Homoeopathy to be temperate in all matters, for the practice of medicine requires unremitting exercise of a clear and vigorous mind.

5. Practitioner's Responsibility.

- A practitioner of Homoeopathy shall merit the confidence of patients entrusted to his care, rendering to each full measure of service and devotion. The honoured ideals of the medical profession imply that the responsibilities of a practitioner of Homoeopathy extend not only to individuals but also to the entire society.

5A.

(i)A registered medical practitioner shall maintain a Register of Medical Certificates containing the details of the medical certificates issued by him which shall be in the manner specified in Appendix-1.(ii)While issuing medical certificate referred to in sub-regulation (1), he shall enter the identification mark of the patient and keep a copy of the same.(iii)The medical practitioner shall obtain the signature or thumb mark of the patient and record at least one identification mark and address of the patient on the medical certificate.

5B. [[Inserted by Notification No. F. No. 7-3/2003-CCH(Part-I), dated 1.6.2018.]

A practitioner of Homoeopathy shall provide the prescription to a patient or authorized attendant or legal authority within the period of 72 hours as requested or required by such person.]

6. Advertising.

(1) Solicitation of patients directly or indirectly by a practitioner of Homoeopathy either personally or by advertisement in the newspapers, by placards or by the distribution of circular cards or handbills is unethical. A practitioner of Homoeopathy shall not make use of, or permit others to make use of, him or his name as a subject of any form or manner of advertising or publicity through lay channels which shall be of such a character as to invite attention to him or to his professional position or skill or as would ordinarily result in his self-aggrandisement provided that a practitioner of Homoeopathy is permitted formal announcement in press about the following matters, namely :- (i) the starting of his practice; (ii) change of the type of practice; (iii) change of address; (iv) temporary absence from duty; (v) resumption of practice (vi) succeeding to another's practice. (2) He shall further not advertise himself directly or indirectly through price lists or publicity materials of manufacturing firms or traders with whom he may be connected in any capacity, nor shall he publish cases, operations or letters of thanks from patients in non-professional newspapers or journals provided it shall be permissible for him to publish his name in connection with a prospectus or a director's or a technical expert's report

7. Payment of Professional Service.

(1) A practitioner of Homoeopathy engaged in the practice of medicine shall limit the sources of his income to fees received from professional activities for services rendered to the patient. Remuneration received for such services shall be in the form and amount specifically announced to the patient at the time the service is rendered; in all other cases he shall deem it a point of honour to adhere to the compensation for professional services prevailing in the community in which he practices. (2) Fees are reducible at the discretion of the practitioner of Homoeopathy and he shall always recognize poverty as presenting valid claims for gratuitous services; (3) It shall be unethical to enter into a contract of "no cure no payment";

8. Rebates and Commission.

- A practitioner of Homoeopathy shall not give, solicit or receive, nor shall he offer to give, solicit or receive, any gift, gratuity, commission or bonus in consideration for the referring, recommending or procuring of any patient for medical, surgical or other treatment nor shall he receive any commission or other benefit from a professional colleague, trader of appliances, dentist or an oculist or from laboratory or diagnostic centres.

III. Duties of Homoeopathic Practitioners to Their Patients

9. Obligations to the Sick.

- Though a practitioner of Homoeopathy is not bound to treat each and every one asking for his services except in emergencies, he shall, for the sake of humanity and the noble traditions of the profession, not only be ever ready to respond to the calls of the sick and the injured, but shall be mindful of the high character of his mission and the responsibility he incurs in the discharge of his professional duties.

10. Patient not be Neglected.

(1)A practitioner of Homoeopathy is free to choose whom he will serve provided he shall respond to any request for his assistance in an emergency or whenever temperate public opinion expects the service.(2)Once having undertaken a case, a practitioner of Homoeopathy shall not neglect the patient nor shall he withdraw from the case without giving notice to the patient, his relatives or his responsible friends sufficiently long in advance of his withdrawal to allow them time to secure another practitioner.

11.

(a)The following shall be valid reasons for his withdrawal : -(1)where he finds another practitioner in attendance;(2)where remedies other than those prescribed by him are being used;(3)where his remedies and instructions are refused;(4)where he is convinced that illness is an imposture and that he is being made a party to a false pretence;(5)where the patient persists in the use of opium, alcohol, chloral or similar intoxicating drugs against medical advice;(6)where complete information concerning the facts and circumstances of the case are not supplied by the patient or his relatives.(b)The discovery that the malady is incurable is no excuse to discontinue attendance so long as the patient desired his services.

12. Acts of Negligence.

(1)No practitioner of Homoeopathy shall wilfully commit an act of negligence that may deprive his patient of necessary medical care.(2)A practitioner of Homoeopathy is expected to render that diligence and skill in services as would be expected of another practitioner of Homoeopathy with similar qualifications, experience and attainments.(3)His acts of commission or omission shall not be judged by any non-Homoeopathic standards of professional service expected of him but by those standards as are expected from a Homoeopath of his training, standing and experience.(4)A practitioner of Homoeopathy shall use any drug prepared according to Homoeopathic principles and adopt other necessary measures as required.

12A. Physician to obey law and regulation.

- A physician, -(a)shall not act contrary to the laws regulating the practice of Homoeopathy;(b)shall not assist others to disobey the law regulating the practice of Homoeopathy;(c)shall act in aid of the

enforcement of sanitary laws and regulations in the interest of public health;(d)shall comply with the provisions of the Drugs and Cosmetics Act, 1940 (23 of 1940), Drugs and Cosmetics Rules, 1945; the Pharmacy Act, 1948 (8 of 1948); the Narcotic Drugs and Psychotropic Substances Act 1985 (61 of 1985); the Medical Termination of Pregnancy Act, 1971 (34 of 1971), the Transplantation of Human Organ Act, 1994 (42 of 1994); the Persons with Disabilities (Equal Opportunity and Full Participation) Act, 1995 (1 of 1996) and Biomedical Waste (Management and Handling) Rules, 1998 and such other related Acts, Rules, of the Central Government or the State Government or the Local Administrative bodies relating to protection and promotion of public health.

13. Behaviour Towards Patients.

- The demeanour of a practitioner of Homoeopathy towards his patients shall always be courteous, sympathetic, friendly and helpful. Every patient shall be treated with attention and consideration.

14. Visits.

- A practitioner of Homoeopathy shall endeavour to add to the comfort of the sick by making his visits at the hour indicated to the patients.

15. Prognosis.

(1)The practitioner of Homoeopathy shall neither exaggerate nor minimize the gravity of a patient's condition. He shall ensure that the patient, his relatives or responsible friends have such knowledge of the patient's condition as will serve the best interest of the patient and his family.(2)In cases of dangerous manifestations, he shall not fail to give timely notice to the family or friends of the patient and also to the patient when necessary.

16. Patience, Delicacy & Secrecy.

- Patience and delicacy shall characterize the attitude of a practitioner of Homoeopathy. Confidences concerning individual or domestic life entrusted by patients to a practitioner and defects in the disposition or character of patients observed during the medical attendance shall not be revealed by him to anyone unless their revelation is required by the laws of the State.IV Duties of Practitioners to the Profession

17. Upholding honour of Profession.

- A practitioner of Homoeopathy shall, at all times, uphold the dignity and honour of this profession.

18. Membership of Medical Society.

- For the advancement of his profession a practitioner of Homoeopathy may affiliate himself with Medical Societies and contribute his time, energy and means to their progress so that they may

better represent and promote the ideals of the profession.

19. Exposure of Unethical Conduct.

- A practitioner of Homoeopathy shall expose, without fear or favour, the incompetent, corrupt, dishonest or unethical conduct on the part of any member of the profession.

20. Association with Unregistered Persons.

- A practitioner [*omitted] shall not associate himself professionally with any body or society of unregistered practitioners of Homoeopathy.

21. Appointment of Substitutes.

- Whenever a practitioner of Homoeopathy requests another to attend to his patients during his temporary absence from practice, professional courtesy requires the acceptance of such appointment by the latter, if it is consistent with his other duties. The practitioner of Homoeopathy acting under such an appointment shall give the utmost consideration to the interests and reputation of the absent practitioner. He shall not charge either the patient or the absent practitioner of Homoeopathy for his services, except in the case of a special arrangement between them. All such patients shall be restored to the care of the absent practitioner of Homoeopathy upon his return.

22. Charges for service to Practitioners of Homoeopathy.

(1) There is no rule that a practitioner of Homoeopathy shall not charge another practitioner of Homoeopathy for his services, but a practitioner of Homoeopathy shall consider it a pleasure and privilege to render gratuitous service to his professional brother and his dependents, if they are in his vicinity or to a medical student. (2) When a practitioner of Homoeopathy is called from a distance to attend or advise another practitioner of Homoeopathy or his dependents reimbursement shall be made for travelling and other incidental expenses.

23.

(1) The practitioner of Homoeopathy called in an emergency to visit a patient under the care of another practitioner of Homoeopathy shall, when the emergency is over, retire in favour of the latter; but he shall be entitled to charge the patient for his services. (2) When a practitioner of Homoeopathy is consulted at his own residence, it is not necessary for him to enquire of the patient if he is under the care of another practitioner of Homoeopathy. (3) When a consulting practitioner of Homoeopathy sees a patient at the request of another practitioner of Homoeopathy, it shall be his duty to write a letter stating his opinion of the case with the mode of treatment he thinks is required to be adopted.

24. Engagement for an Obstetrics Case.

(1) If a practitioner of Homoeopathy is engaged to attend to a woman during her confinement, he shall do so. Refusal to do so on an excuse of any other engagement shall not be considered ethical except when he is already engaged on a similar or other serious case. (2) When a practitioner of Homoeopathy who has been engaged to attend on an obstetrics case is absent and another is sent for and delivery is accomplished, the acting practitioner of Homoeopathy shall be entitled to his professional fees; provided he shall secure the patient's consent to withdraw on the arrival of the practitioner of Homoeopathy already engaged.

25.

When it becomes the duty of a practitioner of Homoeopathy occupying an official position to see and report upon an illness or injury, he shall communicate to the practitioner of Homoeopathy in attendance so as to give him an option of being present. The medical officer shall avoid remarks upon the diagnosis or the treatment that has been adopted.

26. Consultation shall be Encouraged.

- In cases of serious illness, especially in doubtful or difficult conditions the practitioner of Homoeopathy shall request consultation. He shall also do so in perplexing illness, in therapeutic abortions, in the treatment of a woman who had procured criminal abortion, in suspected cases of poisoning, or when desired by the patient or his representative.

27. Punctuality in Consultation.

- Utmost punctuality shall be observed by a practitioner of Homoeopathy in meeting for consultation. If the consultant practitioner of Homoeopathy does not arrive within a reasonable time such as a quarter of an hour after the appointed time, the first practitioner of Homoeopathy shall be at liberty to see the patient alone provided he shall leave his conclusion in writing in a closed envelope.

28. Patient referred to another Physician.

- When a patient is referred to another practitioner of Homoeopathy by the attending practitioner of Homoeopathy, a statement of the case shall be given to the latter practitioner of Homoeopathy. The latter practitioner of Homoeopathy shall communicate his opinion in writing in a closed cover direct to the attending practitioner of Homoeopathy.

29. Consultation for Patients Benefit.

- In every consultation, the benefit to the patient shall be of first importance. All practitioners of Homoeopathy interested in the case shall be candid with a member of the patient's family or

responsible friends.

30. Conduct in Consultation.

(1) In consultations, there shall be no place for insincerity, rivalry or envy. All due respect shall be shown to the practitioner of Homoeopathy in charge of case and no statement or remarks shall be made which would impair the confidence reposed in him by the patient. For this purpose, no discussion shall be carried on in the presence of the patient or his representatives. (2) All statements of the case to the patient or his representatives shall take place in the presence of all the practitioners consulting, except as otherwise agreed; the announcement of the opinion to the patient or his relations or friends shall rest with the attending practitioner of Homoeopathy. (3) Differences of opinion shall not be divulged unnecessarily; provided when there is an irreconcilable difference of opinion, the circumstances shall be frankly and impartially explained to the patient or his friends. (4) It shall be open to them to seek further advice if they so desire.

31. Cessation of Consultation.

- Attendance of the consulting practitioner of Homoeopathy shall cease when the consultation is concluded, unless another appointment is arranged by the attending practitioner of Homoeopathy.

32. Treatment after Consultation.

(1) No decision shall restrain the attending practitioner of Homoeopathy from making such subsequent variations in the treatment as any unexpected change may require; provided at the next consultation, reasons for variation are stated. (2) The same privilege, with its obligations, belongs to the consultant when sent for in an emergency during the absence of the attending practitioner of Homoeopathy. The attending practitioner of Homoeopathy may prescribe at any time for the patient, but the consultant, only in case of emergency.

33. Consultant not to take charge of the case.

(1) When a practitioner of Homoeopathy has been called as a Consultant none but the rarest and most exceptional circumstances shall justify the consultant taking charge of the case. (2) He must not do so merely on the solicitation of the patient or his friends.

34. Bar against Consulting Non-registered Practitioner.

- No practitioner of Homoeopathy shall have consultation with any practitioner of Homoeopathy who is not registered.

35. Practitioners as Citizens.

- Practitioners of Homoeopathy as good citizens, possessed of special training, shall advise concerning the health of the community wherein they dwell. They shall play their part in enforcing the laws of the community and in sustaining the institutions that advance the interest of humanity. They shall cooperate with the authorities in the observance and enforcement of sanitary laws and regulations and shall observe the provisions of all laws relating to Drugs, Poisons and Pharmacy made for the protection and promotion of public health.

36. Public Health.

- Practitioners of Homoeopathy engaged in public health work, shall enlighten the public concerning quarantine regulations and measures for the prevention of epidemic and communicable disease. At all times the practitioners shall notify the constituted public health authorities of every case of communicable disease under their care, in accordance with the laws, rules and regulations of the health authorities. When an epidemic prevails, the practitioner of Homoeopathy shall continue his labours without regard to the risk to his own health.

37. Dispensing.

- A practitioner of Homoeopathy has a right to prepare and dispense his own prescription.VII.
Professional Misconduct

38.

(1)The following acts of commission or omission by a practitioner shall constitute professional misconduct and he shall be liable for disciplinary action, namely:-(a)if the practitioner contravenes any of the provisions of these regulations;(b)if the practitioner fails to display the registration number accorded to him by the State Homoeopathic Council or Board or the Central Council of Homoeopathy, as the case may be, in his clinic;(c)if fails to maintain the records of prescription and certificates issued by him;(d)if commits the offence of adultery or misbehaves with a patient, or maintaining an improper association with a patient;(e)if convicted by a court of law for offences involving moral turpitude;(f)if signs or gives under his name and authority any certificate, report or document of kindred character which is untrue, misleading or improper;(g)if contravenes the provisions of law relating to the Drugs and Cosmetics Act, 1940 (23 of 1940) and the rules made thereunder;(h)if sells a drug or poison prohibited by the Drugs and Cosmetics Act,1940 (23 of 1940).(i)if performs or encourages un-qualified person to perform abortion or any operation;(j)if issues certificates in Homoeopathy to unqualified or non-medical persons:Provided that nothing contained in these regulations shall prevent or restrict the proper training and instruction of legitimate employees of doctors, midwives, dispensers, attendants or skilled mechanical and technical assistants under the personal supervision of practitioners of Homoeopathy.(k)if affixes a signboard in the shop of a chemist or in a place where he does not reside or work;(l)if discloses the secrets of a patient that have been learnt in the exercise of profession, except in a court of law under

order of the presiding judge;(m)if contravenes the guidelines issued by the concerned Council :Provided that nothing contained in these regulations shall apply if he conducts the Clinical Drug Trials or other Research involving patients or Volunteers as per the guidelines of Council constituted for Homeopathy by the Central Government or State Government:Provided further that in all cases regard shall be had to the ethical consideration.(n)if publishes photographs or case-reports of patients in any medical or other journal:Provided nothing contained in these regulations shall apply if the same is published with the consent of the patient or without disclosing his identity.(o)if exhibits in public the scale of fees:Provided that nothing contained in these regulations shall apply if he displays the same in the physician's consulting or waiting room;(p)if he uses touts or agents for procuring patients;(q)if he claims to be a specialist without possessing a special qualification in the branch concerned;(r)if he contravenes the provisions of sub-regulation (4) of regulation 12;(s)if he advertises or notifies the name of the institution or clinic in which no facility is offered, names of the diseases not treated;(t)if he publishes the names or photographs of doctor running or attending the clinic or institution in the advertisement;(u)if he affixes a sign board unusually large in size and having on it anything other than the name of the practitioner and his qualification with the name of the awarding authority;(v)if he refuses to treat the patients on the grounds of religion or caste:Provided that nothing contained in these regulations shall apply if he writes for laying in the press under Provided that nothing contained in these regulations shall apply if he writes for laying in the press under his own name in matters of public health, hygiene or occasionally delivers a public lecture, gives talks on television or radio relating to health or hygiene without suggesting specific treatment or prescription;(w)if he issues any certificate referred to in Appendix- 2 which is false, untrue, misleading or improper, his name shall be removed from the Register of Homoeopathic Practitioners.

39. Disciplinary Action.

(1)If a homoeopathic practitioner commits any act of misconduct, the State Board may,-(a)take such disciplinary action as it thinks fit;(b)remove his name from the Register of State Homoeopathic practitioners permanently or for specified period if convicted of any offence:Provided that no action under this sub-regulation shall be taken without giving the practitioner a reasonable opportunity of being heard: Provided further that no complaint of misconduct under this regulation shall be maintained unless the complaint has been made to the State Board or State Council in the form of an affidavit on a non-judicial stamp paper of rupees one hundred, duly attested by a Notary Public or Oath Commissioner.(2)The State Board shall forward its decision referred to in sub-regulation (1) to the Central Council.(3)The aggrieved homoeopathic practitioner may prefer an appeal to the Central Council against the decision of the State Board and the Central Council may decide the case after giving the practitioner and the State Board an opportunity of being heard.(4)The Council may direct the State Board to restore the name of the practitioner in the State Register after the expiry of the period for which the name of the practitioner was removed.(5)The Council may restrain the practitioner from practicing homoeopathy during the pendency of the complaint.(6)While deciding the complaint of professional incompetency, the Central Council shall take the opinion of peer group of practitioners as specified by the Central Council of Homoeopathy.(7)No complaint against a practitioner for misconduct shall be allowed unless it is made within a period of six months from the date of the alleged misconduct.]*APPENDIX-I[See regulation 5A (1)]Form of Certificate

Recommended for Leave or Extension or Communication of Leave and for Fitness Signature of patient Or thumb impression _____ To be filled in by the applicant in the presence of the Government Medical Attendant, or Medical Practitioner. Identification marks:-

1. _____

2. _____

I, Dr. _____ after careful examination of the case hereby certify that _____ whose signature is given above is suffering from _____ and I consider that a period of absence from duty of _____ with effect from _____ is absolutely necessary for the restoration of his or her health. I, Dr. _____ after careful examination of the case certify hereby that _____ on restoration of health is now fit to join service. Signature of Medical Attendant. Place _____ Date _____ Registration No. _____ (Central Council of Homoeopathy/State Council of Homoeopathy) Note. - The nature and probable duration of the illness should also be specified. This certificate must be accompanied by a brief resume of the case giving the nature of the illness, its symptoms, causes and duration. *APPENDIX -2[See regulation 38(w)] List Of Certificates to be Issued by Doctors for the Purpose of Various Acts or Administrative Requirements.

1. Certificates of birth or death or disposal of the dead under various Central Acts or State Acts;

2. Certificates of lunacy and mental illness under the Mental Health Act, 1987 (14 of 1987) and the rules made thereunder.

3. Certificates under the Education Acts.

4. Certificates under the Public Health Acts and the orders made thereunder.

5. Certificates under the Acts and orders relating to the notification of infectious diseases.

6. Certificates under the Employee's State Insurance Act, 1948 (34 of 1948).

7. Certificates in connection with sick benefit insurance and friendly societies.

8. Certificates for procuring or issuing of passports.

9. Certificates of illness for seeking exemption from attending Court of Justice, in public services, in public offices or in ordinary employment.

10. Certificates in connection with matters under the control of Department of Pensions.

11. Certificates for procuring driving license.