

THE INDIAN MEDICAL COUNCIL ACT, 1956 (PROFESSIONAL CONDUCT & ETHICS) REGULATIONS, 2002

This Act provides constitution of the Medical Council of India (MCI) and the maintenance of a Medical Register for India and for matters connected there with. The act is amended in 1964 and 1993.

The MCI has exclusive right grant recognition to medical college, new or higher courses or training or to increase the capacity in the training or course qualification granted by Universities or medical colleges in India (Sec. 11, 12, 13). The registered medical persons are entitled to practice allopathic system of medicine (Sec. 15). Instructions are given for recognition of medical institutions and to monitor and maintain standards of medical education (Sec. 16-20). The council has made regulations for "standards of professional conduct, etiquette and code of ethics" which should be observed by medical practitioners. These are mandatory and followed by all other State Medical Councils Sec. 33).

Sections 21-29 described the entry of names in the register, removal of names and restoration, and maintenance of registers, registration of additional etc.

Indian Medical Council (Professional Conduct, and Ethics) Regulations related to the professional conduct, etiquette and ethics were notified in 2002. Following chapters are described :

1. Code of medical ethics

Physician shall uphold the dignity and honour of his profession with prime objectives of rendering services to humanity and rewards or financial gains would be subordinate.

No person with qualifications other than modern system of medicine (Allopathy) would be allowed to practice modern system of medicine.

Physician should try continuously to improve medical knowledge and skills and should affiliate himself/herself with reputed allopathic organisation and attend continuing medical education programme, or at least 30 hours every five years.

(S) he shall maintain the medical records of the patient for 3 years which may be made available whenever required. (S) he shall maintain a medical certificate register entering relevant information about the person for which certificate has been issued.

Physician shall display the registration number in his/her clinic and on every prescription, certificate, etc. (S) he shall display as suffix to his/her name only recognised degree, diploma

memberships, honour. (S) he shall prescribe rationally only generic names of drugs. Physician should also display his fee in his/her chamber. Physician should announce his/her fees before rendering service and not after operation or treatment is under way.

(S) he should be cooperative in observance and enforcement of sanitary laws and regulations in the interest of public health. A physician should observe the provision of the state Acts like Drugs and Cosmetics Act 1940, Pharmacy Act 1948, Narcotic Drugs and Psychotropic Substance Act 1985, Medical Termination of Pregnancy Act 1971, Transplantation of Human Organ Act 1994, Mental Health Act 1987, Environmental Protection Act 1986, Pre-natal Sex Determination Test Act 1994, Drugs and Magic Remedies (Objectionable Advertisements) Act 1954, Persons with Disabilities (Equal Opportunities and Full Participation) Act 1995, and Biomedical Waste (Management and Handling) Rules 1998, etc.

2. Duties of Physician to their patients

In case of emergency a physician must treat the patient otherwise he/she may refuse treatment and refer the patient to another appropriate physician. Confidences concerning individual or domestic life entrusted by patients to a physician and defects in the disposition or character of patients observed during medical attendance should never be revealed unless their revelation is required by the laws. Physician should also determine whether his/her duty to society required him/her to communicate to the society about patient confidential information.

(S) he should neither exaggerate nor minimise the gravity of a patient's conditions and tell to patient or relatives.

3. Duties of physician in consultation

Physician can get consultation only when it is justifiable and in the interest of the patient. Laboratory tests of any kind shall be carried out judiciously. Consultant should observe utmost punctuality and will never try to blame the treating physician or disclose any diagnosis in front of patient or his/her relatives without discussion with treating physician. When a patient is referred to a specialist by the attending physician, a case summary of the patient should be given, which will communicate his opinion in writing to the attending physician.

4. Responsibilities of physicians to each other

(S) he should consider it a pleasure and privilege to render gratuitous service to all physicians and their immediate family dependants. There should not be any discussion in the presence of patient or his/her representatives which may effect the confidence of the patient in treating physician. No physician or consultant shall criticise the referring physician. Whenever another physician treating the patient during the absence of his/her physician utmost consideration to the interest and reputation of the absent physician should be made.

5. Duties of physician to the public and to the paramedical profession

Physician, who is engaged in public health work, should enlighten the public concerning quarantine regulations and measures for the prevention of epidemic and communicable diseases. At all times the physician should notify the constituted public health authorities over every case of communicable disease under his care, in accordance with the laws, rules and regulations of the health authorities.

Physician should recognise and promote the practice of different paramedical services and should seek their cooperation whenever required.

6. Unethical Acts & Misconducts

Any violation of code of conduct, unethical act or misconduct shall lead to removal of his/her name from the register permanently or temporarily and shall publicise the name of physician in local press as well in the publications of different medical associations/societies/bodies. Professional misconduct or infamous conducts are given below:

Advertisement: media, signboards, cuts or fee display.

Association: drug companies-gifts, laboratories-commission, colleagues-cut back, employer-fee splitting.

Alcoholism

Adultery

Abortion conducted by self without sufficient training and qualification and helping some other who is not qualified.

Human rights violation by inflict mental or physical trauma or concealment of torture.

Conviction by Court for moral turpitude, Certificate to unqualified false, improper, or misleading person, or fact, Contravention of Drugs Act, Prescribing or dispensing secret remedies, Breach of patient confidence without any solid reason to do so, Not taking proper and appropriate written consent for operation or whenever the procedure may endanger his/her life, Claiming to be specialist without recognised qualification or experience Violation of existing ICMR guidelines while conducting medical research Found absent on more than two occasions during inspection carried out by the head of the district health authority or chairman, ZilaParishad, and Found absence on more than two occasions from the medical college/institution wherever both teaching faculty or other specialists are posted.