

SLMA Code of Conduct for Members

DISCIPLINARY POWERS OF THE SLMC

THE SRI LANKA MEDICAL COUNCIL may take action against a registered medical practitioner if:

1. he has been found guilty by a Court of Law of having committed a criminal offence.
2. he has been found guilty by the Medical Council of serious professional misconduct. "SERIOUS PROFESSIONAL MISCONDUCT" has been defined as follows;

"If a medical man in the pursuit of his profession has done something with regard to it, which will be reasonably regarded as disgraceful or dishonourable by his professional brethren of good repute and Competency, then it is open to the Medical Council, if that be shown, to say that he has been found guilty of infamous conduct in a professional respect.

COURSES OF ACTION

The Medical Council, at the conclusion of any inquiry in which a doctor has been proved to have been convicted of a criminal offence, or judged to have been guilty of serious professional misconduct, must decide on one of the following courses of action.

1. to admonish the doctor and conclude the case.
2. to place him on probation by postponing its final action.
3. to direct the erasure of the doctor's name from the Medical Register.

PROFESSIONAL MISCONDUCT

Among offenses constituting PROFESSIONAL MISCONDUCT are:

- A. Professional improprieties.
- B. Abuse of professional privileges and skills.
- C. Derogatory professional conduct.
- D. Advertising, canvassing and related offences.

PROFESSIONAL IMPROPRIETIES

1. Consent To Examination & Treatment

- (i) The patient must consent to examination and treatment.
- (ii) Consent is valid only if freely given and where necessary, in writing.
- (iii) Consent should be free from compulsion.
- (iv) Consent should be 'informed'- all reasonable hazards must be disclosed.
- (v) It is the patient who decides whether or not to accept the advice of the practitioner

(A) Consent may be implied where patient requests treatment.

(B) Consent has to be obtained.

For Examination

(a) Examination at request of a third party

e.g. Judiciary, Employer, or for insurance purposes.

Special: eg: Victim of rape, invasive examination such as blood tests, lumbar puncture, etc.

(c) Research projects.

For Treatment

- (a) All surgical procedures.
- (b) Hazardous treatment.
- (c) Where mutilation or permanent disability is likely.
- (d) Research projects.
- (e) Clinical trials.

Exceptions to consent

- (a) Emergencies eg: to save life.

Where treatment is refused by patients or guardians when it is essential to save life. In case of refusal of treatment an appropriate record should be made and if possible such refusal should be attested by the guardian parent.

2. Medical Responsibility

Serious disregard of professional duties or negligence of the same could be a matter for disciplinary inquiry.

A good standard of medical care also includes:

- (a) Conscientious assessment of the history, symptoms and signs of a patient's condition.

Sufficiently thorough professional attention, examinations and where necessary and possible diagnostic investigation.

Competent and considerate professional management.

Appropriate and prompt action where urgent medical intervention is required.

- (e) Readiness where necessary, to consult appropriate professional colleagues.

The care and attention expected should be comparable to that of another doctor of equivalent standing. A higher degree of skill is expected of a specialist.

Although infallibility is not expected, diagnosis and treatment should be reasonable by general standards.

3. Improper Delegation Of Medical Duties

A doctor is responsible for the management of his patients. Any doctor who improperly delegates functions requiring medical knowledge and skills to a person who is not a registered medical practitioner, registered under the SLMC, is liable to disciplinary proceedings.

ABUSE OF PROFESSIONAL PRIVILEGES & SKILLS

1. Abuse of Privileges Conferred By Law: Misuse of Skills

Prescribing of Drugs:

The prescription of drugs of dependence, or their supply except for bona fide reasons, is a serious professional offence.

Medical Certificates:

Care should be taken in the issue of any type of medical certificates. His signature implies the truth of any statement contained therein. The issue of a certificate containing untrue, misleading or improper statements is a serious offence.

- (c) Termination of Pregnancy:

Termination of pregnancy is regulated by law and doctors must observe the law in relation to such matters.

2. Abuse Of Privileges Conferred By Custom: Professional Confidence: Undue Influence: Relationship With Patients:

- (a) Professional Confidence:

A doctor should strictly observe professional secrecy by refraining from disclosing voluntarily to any third party, information which he has learned directly or indirectly in his professional capacity as a doctor. The death of the patient does not absolve the doctor from this obligation.

Exceptions:

- (i) With valid (preferably written) consent.
 - (ii) When it is medically undesirable to seek the patient's consent, but it is in the patient's own interest to give such information to a close relative or other appropriate person.
 - (iii) Doctor's duty to society. Eg: in serious crime, danger to public health or safety.
 - (iv) Statutory requirements, courts of law, judicial examinations, etc.
 - (v) Shared confidential information - with others.
- (b) Undue influence.
- For financial or other gain - Eg. exerting improper influence on a patient to lend his money, or to alter his will to benefit the doctor, or other similar favours.
- (c) Improper Relationship with patients:
- Impropriety when examining or treating a patient and immoral relationship with a patient.

DEROGATORY CONDUCT

Proper standard of professional behaviour should be maintained at all times by a doctor.

The following, in particular, would be considered offences:

- (a) Dishonesty' (Eg. Forgery, fraud, theft, improper financial transactions).
- N.B. The following practices may also be considered as dishonest:
- (i) Undisclosed splitting of fees between doctors~dichotomy, (except in legitimate partnerships) or sharing fees with non-medical personnel.
 - (ii) Sale of medicines of an unethical nature.
 - (iii) The acceptance of payment (except legitimate consultation fee) from or on behalf of a patient, warded in a State Hospital contrary to regulations is improper and dishonest.
 - (iv) The solicitation and demanding of gifts in kind, in addition to a legitimate fee, could also be considered an improper act.
 - (v) Dishonesty in matters involving professional services. Eg. overloading bills sent to firms, banks, etc., submitting false bills and conniving to defraud institutions would also be considered as an improper act.
- (b) Indecent or violent behaviour.

ADVERTISING, CANVASSING & RELATED OFFENCES

Professional misconduct could depend on:

- (a) Suggestion of a doctor's unique capabilities is compared with other doctors.
- (b) Published matter which could attract patients or bring financial benefit.
- (c) An improper motive for arranging a publication.

ADVERTISING:

Advertising has been judicially held to constitute malpractice and therefore grounds for disciplinary action.

Advertising may be:

- (i) Direct Advertising.

- (ii) Publicity.

Direct Advertising:

- (i) Only closed letters to professional colleagues or to regular patients regarding change of address, consultation hours, etc. are permissible.
A suitable notice in the waiting room is allowed
No press notice or other public announcement are permitted, other than through a professional medical organization.
- (ii) Professional qualifications displayed on a notice board and/or letter head should be those registrable by the Sri Lanka Medical Council.

Publicity:

- (i) A doctor may publish books and articles, or write on medical topics in the lay press in his own name, and he can also participate in discussions on medical subjects on radio and T.V. provided:
 - (a) There is no professional advantage accruing.
 - (b) There is no breach of professional confidence.
- (ii) For radio and T.V. programmes the following guidelines should be observed:

A programme should preferably feature a number of participants rather than a single person. Such spokesmen should usually be from recognised institutions e.g. hospitals, universities, colleges etc.,

The name, speciality and or professional status of each participant could be disclosed in the interests of authenticity and acceptability. This should however be done only ONCE, generally at the commencement of the programme. In subsequent references, the participant should be mentioned by name only.

SETTING UP IN PRACTICE

1. Name-Boards

- (i) These should not be ostentatious in size or form.
- (ii) Only the doctor's name, professional qualifications and surgery hours are allowed. Only medical qualifications should be used.
- (iii) Professional qualifications displayed on a notice board and or letterhead should be those registrable by the Sri Lanka Medical Council.
- (iv) More than one language is permitted where necessary.
- (v) Direction boards should not be unnecessarily large or repeated frequently

2. Notices

- (i) Letters & Notices: see under DIRECT ADVERTISING.
- (ii) A letter announcing a change should include only: The name of the doctor, his medical qualifications and main speciality, with brief details of changes in address and; or consultation hours.
- (iii) VISITING CARDS should not be displayed in hotels, clubs or shops.
- (iv) DIRECTORIES: An entry of a doctor's name in the telephone director. Then name can appear in Lists of Doctors' names, provided that it is open to other doctors too.

3. Depreciation of Other Doctors: Canvassing: Improper Practices.

Professional misconduct could be caused by:

- (i) Depreciation by a doctor of the skill, knowledge, qualifications or Services of another doctor.

(iii) Canvassing, directly or through an agent, for the purpose of obtaining patients.

(ii) Any improper arrangements to extend a practice.

FITNESS TO PRACTICE

The Sri Lanka Medical Council can act when the fitness of a doctor to practice is seriously impaired by reason of his physical or mental condition.