UNETHICAL PRACTICES IN MEDICAL PROFESSION: GROWING CHALLENGES

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ABSTRACT

With the increased commercialization of healthcare services in the India well heard proverb “Health is wealth” is almost fully changed from the physical wealth to material wealth. In today’s world of modernization, doctors have turned materialistic; a doctor pays more attention to his fees rather than caring for a patient’s life. The number of cases of medical negligence is bound to increase in this presently changed scenario. As a member of medical profession, a physician must recognize responsibility to patients first and foremost, as well as to society, to other health professionals, and lastly to the self. Basic principle of medical ethics lies in the fact that a physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity and rights. Due to widely prevalent corruptions and unethical practices in medical fields this noble profession is losing its dignity. This review article has tried to explore in detail the sudden crisis and to evaluate what has led & contributed to it, and how it will be resolved. Therefore a major reconstruction in healthcare system is suggested will drastically reduce the costs and dramatically combat fraud and practitioner’s abuse which ultimately improves quality of healthcare. Some case studies of unethical medical practices have also been cited to fortify the fact that patients are only consumers for doctors.

KEYWORDS

Doctors, Medical ethics, Unethical practices, Healthcare system, Consumers.


INTRODUCTION

“Health is wealth” but present scenario of the world clearly shows that this wealth is almost fully changed from the physical wealth to material wealth. In the past days medical profession was considered to be a noble profession. Doctors were seen as next to God on this earth. But in today’s world of modernization, doctors have turned materialistic; a doctor pays more attention to his fees rather than caring for a patient’s life. With increasing commercialization of health services in India cases of medical negligence are continuously increasing. It can lead to distrust between patients and doctors, which are definitely not in the interest of Organize 13. Now a days due to corruptions and unethical practices in medical field this noble profession is losing its dignity. The important reasons being the high cost of treatment as well as limited quality care available in our country. In fact, the facility of health care is still a distant dream for the common and poor people in India. Common issues regarding these are operations without need, consultation abuses, insurance fraud’s, sexual assault/harassment, privileges of medical staff, high costs of sub-standard services, which leads to increase in unethical practices. This review article has tried to explore in detail to look at the crisis and to evaluate what has led & contributed to it, and how it will be resolved. Therefore a major reconstruction in healthcare system is suggested will drastically reduce the costs and dramatically combat fraud and practitioner’s abuse which ultimately improves quality of healthcare.

DISCUSSION

Medical ethics deals with moral principles which guide the members of medical profession in their dealing with each other, their patient, and the state. It is a self-imposed duty upon each physician. On the other hand medical etiquettes deal with the conventional law of courtesy observed between the members of medical profession. The introduction of concept of ethics in medicine was introduced by a physician “Father of Medicine” Hippocrates. Principle of medical ethics says that a physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity and rights.

Chief Principles of Modern Ethics are:

• **Respect for Autonomy:** The patient has the right to refuse or choose their treatment.
• **Beneficence:** Practitioner should act in the best interest of the patient.
• **Non-malfeasance:** Avoiding harm.
• **Justice:** Treating equal problems equally.

There are basically three cores of medical ethics viz. Doctor, Patient and Society. The center is doctor patient relationship. Doctor has too much of power and influence, hence abuses are very likely. There is ample scope for doctors to misuse his capacity and special position in society for his own interest at the cost of others. As a result people talk much more about medical ethics.
A popular television talk show hosted by a famous “Bollywood” actor, Aamir Khan underwent criticism by many of the doctors. The show had highlighted what some doctors themselves have described as unethical practices: sharing fees for referring patients to specialists, accepting gifts from drug companies, and irrational prescribing of drugs and diagnostic procedures1.

Common Unethical Practices and Conducts
Unethical conducts in medical practice comprise of variety of behaviours including corruption, dishonesty, fraud, exploitation of patient, commission from company and laboratories etc. Doctor may behave in an unethical manner either because they are unaware of specific professional standards which they are expected or through deliberate and conscious decision. Here an attempt is made to cover some common unethical practices and conducts which are very common in general practices.

Backbiting from Professional Colleagues
While attending a patient the referred consultant should never doubt the competence of referring doctor try to show his superiority. One should never try to underestimate the referring doctor. Backbiting of different issues can be traumatic when it is false. Always remember a bad word is more painful than a big blow.

Gradual Loss of Ethical Principle
Previously medicine was considered as service of humanity but gradually it become money earning business on the cost of human sufferings. Common people think now a day it has become business and in many parts is established as racket.

Omission and Commission
The relevance of the Hippocratic Oath now a days it has become questionable. It seems several times that the doctors taking gifts, drinks, dinners, hotel accommodation etc. many a times under circumstances which does not permit it ethically. It has also been observed that there is with an understanding between diagnostic laboratories and physician for referring patient for variety of diagnostic tests which are not required in many occasion. The tacit understanding between diagnostic centers and a large pool of physicians for referring patients for a variety of diagnostic tests has become a standard practice in the State capital. It is an open secret that diagnostic centers survive on prescription4.

Advertising
Soliciting of patient directly or indirectly by a physician or by a group of physicians or by institutions or by organizations comes under unethical practices6. A medical practitioner is however, permitted to make a formal announcement in press regarding the following:

- On starting practice.
- On change of type of practice.
- On changing address.
- On temporary absence from duty.
- On resumption of another practice.
- On succeeding to another practice.
- Public declaration of charges.

Permitting the printing of one’s name in a telephone directory in a type dissimilar to the rest amounts to advertisement, and is hence actionable.7

Commercialization of Medical Profession
Medical profession is growing rapidly towards commercialized healthcare market. The unrequired laboratories investigations, foetal sex determination, nexus between doctors and diagnostic centers and pharmaceutical companies, cut backs for investigations are good examples of commercialization of this profession.

A leading Newspaper’s reported that 10 doctors- all neurologists-with wives and relatives holidayed in England and Scotland on a trip allegedly financed by Intas pharmaceuticals, Ahmedabad5.

EUTHANASIA
No religion approves euthanasia. Some eminent Philosophers like Aristotle, Plato and Pythagoras favoured euthanasia 6. Practicing euthanasia is not legalized in our country and also shall constitute unethical conducts. Article 21 of constitution of India guarantees “right to live” but does not imply “right to die”14. Netherlands and Belgium legalized euthanasia in persons above 12 Years Brain death shall be decided only by a team of doctor not merely by treating physician alone.

In a historic judgment, Supreme Court on March 7, 2011, allowed passive euthanasia- involving the withdrawal of life-sustaining drugs and/or life-support system for a patient who is brain dead or in permanent vegetative state and whom doctors have lost hope of reviving even with the most advanced medical aid. The apex court, however, clarified that active euthanasia, involving injecting a potent drug to advance the death of such patients, remained a crime under law12.

DRUNKENNESS
If a medical practitioner consumes alcohol during the professional practices, it will constitute rash and negligent act under section 304(A) IPC and invites punishment. It can also be categorized as infamous conducts that may lead to erasure of his name from medical register (Fig. 1).

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**Fig. 1:** Exhausted, let me have some rest. Let the remaining patients wait.
A medical practitioner shall not use touts or agents for procuring patient.

Doctor-patient relationship is of the utmost faith, but this faith is gradually tapering off and its place is taken by monetary gains. Patients are treated as customer by physician. A doctor looks upon a patient as a human resource through whom he/she could elevate his/her life style and it is the prima facie unethical work done by a doctor. Due to scarcity of medical facilities as compared to number of population, doctors get a chance to exploit the patient as consumer.

Human organ trade though illegal is also growing well. False medical certificates, post-mortem reports, certifying false psychiatric illness, keeping dead bodies as captive for payment of hospital bills etc. are very common unethical practices making medical profession ugly.

A good example of foul play of commission is as per information given by the Government of Bihar, on an average, 15 per cent of all surgeries under Rashtriya Swasth Bima Yojna (RSBY) in Bihar are hysterectomy and the number of these operations was high in districts of Madhubani and Samastipur.9

A physician shall not give or receive nor shall he offer to give solicitation or receive any gift, commission, in return for the referring, recommending, or procuring any patient for medical, surgical or other treatment.

Plagiarism in Medical Research

Plagiarism is a growing burning problem in medical research. It is probably the commonest ethical issue corrupting medical writing. It threatens the integrity of academic research and publication. There are evidences that it handicaps true findings.

Patent and Copyrights

A physician may patent his instruments, appliances and medicine or copyright applications method and procedure. However, it shall be unethical if the benefits of such patents or copyrights are not made available in situations where the interest of large population is involved.3

PUNISHMENT AND DISCIPLINARY ACTION

These are written in chapter 8 of code of ethics regulation, 2002 of Medical Council of India (MCI) against the unethical practices of the doctors. Besides these, various unethical practices and negligence are dealt by the various Indian Penal Codes accordingly.

The Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulation, 2002 enumerates some instances of professional misconduct in chapter 6 and 7 [chapter 6 specially mentions “unethical acts” and chapter 7 “misconduct”. The two are virtually synonymous and hardly any distinction can be drawn between them]. Always remember that list of this nature can never be complete and exhaustive.

CONCLUSION

- Medical service being the most humane of the services to humanity needs constant improvement, enrichment and application of mind.
- Every practitioner is essentially concerned with preservation of life of his patient, curing illness wherever possible, preventing the occurrence of disease and helping in advancement of medical knowledge.
- Don’t be afraid about medical ethics, as it is a common thinking.
- Discuss ethical issues among fellow colleagues and with medico-legal expert as and when required.
- Always keep patient welfare in front.
- Make free talk and well communicate with your patient.
- Patient has right to refuse effective even life-saving treatment.
- Be open and broad minded, persons may differ with your decisions.
- You have right to express your views and ideas but not to impose upon them.
- Be well prepared for justification of your position.
- Loose talk is dangerous so avoid loose talking.
- Ignorance may lead to negligence; always try to avoid it; as ignorance can’t be defense in the court of law.

SUGGESTIONS TO IMPROVE SITUATION

- In light of above discussion a major reconstruction in healthcare system is suggested which drastically reduce the costs and dramatically combat waste, fraud and practitioner’s abuse which ultimately improves quality of healthcare which is the ultimate need of mankind.
- Physicians should and must be updated with latest medical technologies through continuing medical education programs (CME).
- Medical ethics should be made mandatory as an integral part of CME programs.
- Strict action should require to be taken against physician involved in unethical activities. It may create faith of general public in system.
- Medical Council of India is the authority which can take suo moto action in unethical practices by physician. It rarely exercises this power. Effective and frequent use of such powers is required to eradicate such unethical practices.
- Surprise visit of all clinics and hospitals both private and government should be made at intervals to check their standard of care, registration etc.

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