

**NO. MCI-211(2)/2014-Ethics/
MEDICAL COUNCIL OF INDIA
SECTOR-VIII, POCKET- 14,
DWARKA, NEW DELHI**

In pursuance to the letter dated 22.07.2014 received from Hon'ble Minister for Health & Family Welfare, the President, Medical Council of India decided to hold an emergent meeting of Ethics Committee, which was held on 23.07.2014 in the Council office. The following members were present:-

Present:

- | | | |
|----------------------------|---|-------------|
| 1. Dr.Muzaffar Ahmad | - | Chairperson |
| 2. Dr.D. Santharam | - | Member |
| 3. Dr.Kishore B.Taori | - | Member |
| 4. Dr.Navin Dang | - | Member |
| 5. Dr.S.N.Chaudhary | - | Member |
| 6. Dr.Ajay Kumar | - | Member |
| 7. Dr.Sudipta Kumar Ray | - | Member |
| 8. Dr.Vinay Kumar Aggarwal | - | Member |
| 9. Dr.K.K. Aggarwal | - | Member |

Shri Ashok Kumar Harit

Dy. Secretary, MCI

Leave of absence was received from Dr.Nanandkar Sudhir Digambar, Dr.Nileshbhai V. Parekh, Dr.K.P.Kushwaha and Dr.P.M.Jadhav.

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The members of the Ethics Committee viewed the DVD which was obtained from 'News Nation' Channel with regard to the sting operation. The matter was discussed at length. It was observed that with reference to the events shown in the DVD, the following provisions of the Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002, may be relevant :-

"1.7 Exposure of Unethical Conduct: *A Physician should expose, without fear or favour, incompetent or corrupt, dishonest or unethical conduct on the part of members of the profession.*

6.1 Advertising:

6.1.1 *Soliciting of patients directly or indirectly, by a physician, by a group of physicians or by institutions or organisations is unethical. A physician shall not make use of him / her (or his / her name) as subject of any form or manner of advertising or publicity through any mode either alone or in conjunction with others which is of such a character as to invite attention to him or to his professional position, skill, qualification, achievements, attainments, specialities, appointments, associations, affiliations or honours and/or of such character as would ordinarily result in his self aggrandizement. A physician shall not give to any person, whether for compensation or otherwise, any approval, recommendation, endorsement, certificate, report or statement with respect of any drug, medicine, nostrum remedy, surgical, or therapeutic article, apparatus or appliance or any commercial product or article with respect of any property, quality or use thereof or any test, demonstration or trial thereof, for use in connection with his name, signature, or photograph in any form or manner of advertising through any mode nor shall he boast of cases, operations, cures or remedies or permit the publication of report thereof through any mode. A medical practitioner is however permitted to make a formal announcement in press regarding the following:*

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1. *On starting practice.*
2. *On change of type of practice.*
3. *On changing address.*
4. *On temporary absence from duty.*
5. *On resumption of another practice.*
6. *On succeeding to another practice.*
7. *Public declaration of charges.*

6.4 Rebates and Commission:

6.4.1 *A physician shall not give, solicit, or receive nor shall he offer to give solicit or receive, any gift, gratuity, commission or bonus in consideration of or return for the referring, recommending or procuring of any patient for medical, surgical or other treatment. A physician shall not directly or indirectly, participate in or be a party to act of division, transference, assignment, subordination, rebating, splitting or refunding of any fee for medical, surgical or other treatment.*

6.4.2 *Provisions of para 6.4.1 shall apply with equal force to the referring, recommending or procuring by a physician or any person, specimen or material for diagnostic purposes or other study / work. Nothing in this section, however, shall prohibit payment of salaries by a qualified physician to other duly qualified person rendering medical care under his supervision.*

7.19 *A Physician shall not use touts or agents for procuring patients."*

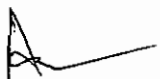
When the events recorded in the DVD are seen in the light of the above-mentioned provisions of the Ethics Regulations, 2002 of the MCI, it was observed that the conduct of the Registered Medical Practitioners would deserve to be examined, by the appropriate authority, for determining if any action can be initiated / taken against such Registered Medical Practitioners who may be shown in the recording in the DVD. The Code of Ethics Regulations, 2002 govern the

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conduct of the Registered Medical Practitioners and do not cover / do not apply to the diagnostic centres / institutions.

In view of this aspect, it was decided that when the sting operation is only mentioning the names of the diagnostic centres / institutions / laboratories, and it is not possible – by simply viewing the DVD to decipher / discern the identity of any Registered Medical Practitioner, it was decided by the Ethics Committee : -

- (i) that the unedited copy of CD/DVD of sting operation should be obtained from the News Nation Channel.(ii) Looking into the gravity and nature of the wrong doing which has been put into public domain, decided unanimously to register a case of breach of Code of Medical Ethics (Professional conduct, Etiquette and Ethics) Regulations, 2002 against all those who are responsible .
- (iii) that Council should seek co-operation from all concerned authorities for seeking/securing the identity of the Registered Medical Practitioners in the said episode(s) recorded in the DVD for enabling the appropriate authority under the Indian Medical Council Act and the Ethics Regulations to initiate / take the appropriate course of action against all such erring / delinquent Registered Medical Practitioners.
- (iv) The Committee also decided to call the Medical Directors/Medical Superintendents of the following Diagnostic Centers to present themselves alongwith all the names / details / particulars of registration of the Registered Medical Practitioners and the persons who are shown in the sting operation on Friday i.e. 25th July, 2014. They should also be asked to bring the details of the doctors working in these centers shown in the DVD as full-time and/or part-time professionals, alongwith their qualification, registration certificate and further details of these Registered Medical




Practitioners whether working with centers or outside and to whom the payments have been made by these centers, viz. :-

1. Dewan Chand Imaging & Research Centre
2. City X-ray Clinic
3. Star Imaging Lab.
4. Orbit Imaging Lab.
5. Global Diagnostics
6. N-2 Imaging Centre
7. SRL Delhi
8. Prime Imaging Centre
9. Unique India

The Ethics Committee also decided to write to the Chief Secretary, Govt. of NCT of Delhi alongwith list of the centres involved (under scrutiny) to take appropriate action as per the applicable Law/Clinical Establishment Act or other Rules & Regulations governing the working such diagnostic centres / laboratories.

The Ethics Committee also called upon Dr.S.K. Sharma, Director of Health Services, NCT of Delhi for obtaining information regarding the system of Registration of Diagnostic centers and the system of Monitoring.

During the discussion, the Director, Health Services, NCT of Delhi informed that at present he only has the authority to register Nursing Homes and Hospitals. There is no legal provision in NCT of Delhi under which Diagnostic Centers are registered. Therefore, the Health Department is not in a position to monitor or take action against any Diagnostic Centre for violating the Ethical practice and for punishing their unscrupulous elements shown in the sting operation.

The Committee after detailed discussion was of the view that a letter be sent to the Chief Secretary, NCT of Delhi requesting him to frame the necessary legal provisions empowering any appropriate authority including the Director, Health Services for registration of the Diagnostic Centers in NCT of Delhi which will give

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legal authority to Director, Health Services to monitor and curb unethical practice in Diagnostic Centers. It was also decided that the Principal-Secretary (Health) & Director, Health Services, NCT of Delhi shall be requested to attend the meeting of the Ethics Committee on 25th July, 2014, in order to discuss the issue in length.

It was decided that the Medical Council of India will issue an advisory to all the State Medical Councils to take immediate action on the cases of such nature/complaints whenever received or brought to their notice or *suo-motu* for unethical practices of accepting commissions for referral for Diagnostic Tests which should be investigated and decided on urgent basis under intimation to the Medical Council of India. The Ethics Committee will formulate the Proforma of undertakings to be obtained from the Registered Medical Practitioners associated with the Diagnostic Centers and their incharge Medical Director(s) which shall have to be monitored by the concerned appropriate authorities/State Medical Council(s) from time to time.

The Committee decided that the minutes alongwith notice issued to the Diagnostic Centers and other letters issued be also uploaded on the website of the MCI for information of general public.

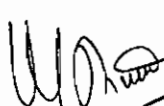
The meeting ended with a Vote of Thanks to the Chair.


(Ashok Kumar Harit)
Deputy Secretary

New Delhi,

Dated the 23rd July, 2014.

APPROVED


(Dr. Muzaffar Ahmad)
CHAIRMAN

23/07/14