

MEDICOS LEGAL ACTION GROUP'S IN PRINCIPLE STAND ON VARIOUS ISSUES AFFECTING MEDICAL PROFESSION;

- 1) Health Budget in India needs to be increased to 10 % of GDP urgently failing which qualified medical practitioners will continue to be made scape goats for deficiencies in healthcare systems of the country.
- 2) It is not illegal for a MBBS doctor to treat patient of any speciality of medicine, perform surgery, or conduct MTP / delivery specially if he has received training / has experience of 6 months of the same after MBBS.
- 3) It is not illegal for an MBBS to run a laboratory for basic tests, report an X Ray and do ultrasound specially if he has training / experience of 6 months of doing the same.
- 4) Modern Medicine should be practised only by graduates of modern medicine (MBBS) who are registered in a State Medical Council. Unqualified unregistered practitioners of modern medicine should be punished swiftly with fine and jail term extending upto 3 years.
- 5) An MBBS Doctor registered in any State Medical Council anywhere in the country is authorized to practice modern medicine anywhere in the country
- 6) Clinical Establishment Act is draconian , should be scrapped to be replaced by simple registration of all clinical establishments with the Civil surgeon / Director Health Services, along with self declared category of establishment
 - a. Allopathic / AYUSH / Physiotherapy etc
 - b. Laboratory / Diagnostic Centre Imaging
 - c. OPD only with emergency
 - d. Hospital only without OT, emergency , or ICU
 - e. Hospital with OT but without emergency or ICU
 - f. Hospital only with OT and ICU but without emergency
 - g. Hospital with OT and Emergency but no ICU
 - h. Hospital with OT, Emergency and ICU

Only an establishment which claims to provide 24 hours emergency should be forced to provide emergency treatment to stabilize any patient brought to the emergency of said establishment. Any treatment provided in emergency should be paid for either by patient or by the District Authority through a fund created for the purpose.

- 7) Qualified Medical Practitioners should be excluded from ambit of criminal negligence and under Consumer Protection Act Compensation should be calculated as per formula devised under Drugs and Cosmetic Act for clinical trials. Maximum compensation under any circumstances should not be linked with income of patient. A person should be compensated for loss of life or limb through his personal Life Insurance Policy or Accidental Insurance policy. Simultaneous complaints in various

- 8) PCPNDT Act should be scrapped. Raids should be conducted on ultrasonologists with decoy customers and those found indulging in actual sex determination should be punished for conspiracy to murder.
- 9) It is the right of a doctor to protest injustice by sitting on dharna, strike, protest march and any other legal form of protest and invoking of ESMA or other threats to end a legal protest should be legally challenged.
- 10) Violence against doctors or medical establishments should be dealt with an iron hand. Should be cognizable offence with Minimum jail term of 7 years prescribed in IPC for perpetrators. Charges of attempt to murder of other patients admitted in facility by incapacitating and restraining the doctor from performing his duty, should be added in all cases filed against hooligans.
- 11) A doctor should be permitted to gain CME credit hours through distant education also in addition to regular State Medical Council accredited conferences and workshops.
- 12) Indian Medical Council (Professional Conduct, Etiquettes and Ethics) Regulations 2002 needs Amendment.
 - a. Chapter 4 clause 1 needs to be deleted. It is no longer feasible to provide gratuitous to all physicians and their family members in view to increased cost of treatment and use of technology.
 - b. Chapter 6 clause 1 also needs deletion. Physicians should be permitted to advertise ethically without making any unrealistic claims. Hospitals and nursing homes are now declared an industry and having being included in Consumer Protection Act and equated to traders, it does not make sense to not allow them normal business practices available to other businesses, industry and trades. Also allowing advertising by corporate hospitals but restricting advertising by individual doctor run establishments does not give a level playing field.
- 13) Amendment required in Drugs and Cosmetics Act whereby a Doctor, Group of Doctors and Small and medium Healthcare Establishment should be permitted to stock dispense and collect payment for medicines pertaining to their speciality and emergency drugs to their own patients without opening a shop where they sell medicines to outside or walk in patients.
- 14) Minimum salary a qualified MBBS doctor should get is Rs 60000 per month and in area of need with difficult living conditions this should be supplemented with hardship allowance of Rs 20000 per month.
- 15) Increase in posts for MBBS doctors is needed in Primary Health Centres which is currently languishing at about 27000 for last decade.
- 16) Young MBBS doctors should be incentivised to join rural service rather than forced to do the same.