

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

UNSTARRED QUESTION NO:2232

ANSWERED ON:05.12.2014

REGULATION ON CONDUCT OF DOCTORS

Basheer Shri E. T. Mohammed; Gupta Shri Sudheer; Khuba Shri Bhagwanth; Kirtikar Shri Gajanan Chandrakant; Singh Shri Kunwar Haribansh; Singh Shri Lallu; Venugopal Dr. Ponnusamy

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) the details of the rules and regulations laid down by the Government with regard to advertisements and promotion of healthcare products and services by doctors in the country;
- (b) the number of complaints of unethical practices and misconduct by the doctors received and the action taken/proposed to be taken by the Government against the violators during each of the last three years and the current year, State/UT-wise;
- (c) whether the Advertising Standards Council of India (ASCI) has recently reported to the Medical Council of India (MCI), a list of doctors resorting to advertisements in newspapers and on television and also making misleading, false and unsubstantiated claims and if so, the details thereof;
- (d) the action taken/proposed to be taken by the MCI thereon to further investigate and take action against the erring doctors; and
- (e) the measures being taken by the Government to ensure strict enforcement and compliance of rules and regulations relating to conduct of doctors in the country?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI JAGAT PRAKASH NADDA)

(a): The Section 6.1 of Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 provides that soliciting of patients directly or indirectly, by a physician, by a group of physicians or by institutions or organisations is unethical.

(b): The Medical Council of India received two complaints with regard to advertisement of medical professionals in the year 2013-2014. These complaints were considered by the Ethics Committee of the MCI and the decision taken by the Ethics Committee are as under:-

i. The Ethics Committee considered a complaint letter dated 17.05.2013 received from Prof. Sri Ram Khanna, Deptt. Of Commerce, Delhi School of Economics, University of Delhi against advertisement given by doctors of Nova Orthopedics & Spine Hospital, Nehru Enclave., dated 15th May, 2013 in Hindustan Time. On the directions of MCI, Chairman and Medical Superintendent of Nova Orthopaedic & Spine Hospital, Nehru Enclave appeared before the Ethics Committee. He accepted responsibility for release of the advertisement and expressed the view that it was ethically wrong. He tendered unconditional apology and stated before the Committee that they will be putting an advertisement to the Newspaper for withdrawal of the advertisement. On submission of proof of withdrawal of advertisement published in the newspaper, the apology of the Hospital was accepted by the Ethics Committee. Accordingly, the matter was disposed off by MCI.

ii. (ii) The Ethics Committee considered a Newspaper Clipping published in the Times of India dated 23.08.2013 with regard to Saket City Hospital, New Delhi. The Medical Director of Saket City Hospital, Saket, New Delhi appeared before the Ethics Committee on behalf of Chairman. He apologized for the advertisement given in the newspaper and stated before the Committee that they will be putting an advertisement to the News paper for withdrawal of the advertisement. On submission of proof of withdrawal of advertisement published in the news paper, the apology of the Hospital was accepted by the Ethics Committee. Accordingly, the matter was disposed off by MCI.

(c) to (e): Yes. MCI has informed that the Ethics Committee of MCI considered a letter dated 02.05.2014 received from Secretary General, the Advertising Standards Council of India and decided as under:-

(i) The Ethics Committee decided that wherever possible the registration details of the doctors shown in the advertisement be obtained from the Indian Medical Register and the respective State Medical Councils be asked to investigate and take necessary action in pursuance of the Medical Council (Professional Conduct, Etiquette & Ethics) Regulations, 2002 within a period of six (6) months under intimation to the Council.

(ii) The Advertising Standards Council of India, Mumbai should also be asked to send to MCI the State wise list of doctors (only Allopathic) registered with MCI/State Medical Councils to take necessary action in accordance with the Code of Medical Ethics.

(iii) Advertising Standards Council of India, Mumbai should be advised to write to appropriate Law Enforcing Authorities of the Country to take suitable action against the fake doctors and their advertisements which is maligning the image of medical professionals.

The above decisions of the Ethics Committee, MCI were communicated to the Advertising Standards Council of India vide Council's letter dated 12.08.2014.