

Bangladesh Medical & Dental Council



Code of Medical Ethics

Made in exercise of the Powers conferred by section 27 & 28 of the Medical and Dental Council Act. XVI of 1980 and approved by the Council in its meeting held on 24.3.1983

Function, Procedures and Disciplinary Jurisdiction

JURISDICTION:-

The Bangladesh Medical and Dental Council was duly Constituted under the Medical and Dental Council Act No XVI of 1980, on 9, 1980 is empowered to look after:

- (a) Public interest-by Maintaining Proper Medical/Dental Standards.
- (b) Medical/Dental Education in the country.
- (c) Maintain a register of qualified Medical/ Dental Practitioners qualifying from duly recognized institutions or recognized dentists registered as per section 15 (3) of the act.
- (d) Take such disciplinary actions which may be required for criminal convictions of serious professional misconduct of a Medical/Dental practitioner. The Council is not an Association or a Union for protecting professional interests.

This booklet will only deal with code of Medical Ethics which the Council expects the registered Medical/ Dental practitioners who are duly registered by the Council to follow (or obey, these are general guide lines only and the Disciplinary Committee reserves the right of judging each individual case on merits.

The following general advice given by professor Saundby to Medical/ Dental practitioners will be found exceedingly valuable:

"The duty that a medical/ dental man owes to the profession of which he is a member is one of the highest he is called upon to fulfill, as his obligations to his country can alone be allowed to have greater claims upon him. He should cherish a proper pride in his calling and disparage it neither by act nor word, but endeavor to increase the public esteem in which it is held by good and worthy deeds. His life should be discreet and sober, avoiding excess or extravagance of dress and demeanor.

He should regard with respect the regulations of all duly constituted professional bodies which are set in authority over him by the laws of his country or by the rules of those medical/ dental societies of which he is voluntarily a member and he should obey them in spirit as well as in letter.

He should respect professional opinion, and not stand aloof from movements designed to promote the interest of the profession; if unable to agree with the course adopted by the majority, he should abstain from manifesting publicly his dissent by addressing letters to lay newspapers, but should confine himself to urging his opinions in those professional journals which are open to him.

In all dealings with patients the interest and advantage of their health should along influence his conduct towards them. As their trust to their profession is great so the obligation to be true to their interest is greater and any single failure in this respect is wholly discreditable and inexcusable.

The consequences of breach of this rule may be most serious from a professional point of view, involving even the removal of the offender's name from the Medical/ Dental register, but only the grossest cases are thus brought to light. In most instances the individual's conscience is the sole arbiter, for no can judge motives, hence there is urgent need to avoid those light departures from rectitude by which the sensitiveness of this private monitor may become deadened.

The Medical/ Dental practitioner must not only deal honestly with his fellowmen, but he is called upon to how more than usual benevolence towards them so as to maintain the honorable tradition by which the physician is regarded as the friend of all person, without respect to race, creed or social position."

The Medical and Dental Council Act, Section 28 Provides that if any registered medical/ Dental Practitioner or registered Dentist has been convicted of any criminal offence of after due inquiry found guilty of infamous conduct in any professional respect by the Council, the Council may in its discretion direct the removal of the name of the medical Practitioner or dentist from the register. The word "Convicted" is obviously used in relation to a duly constituted court. In a well know passage in infamous conduct in any Professional respect was defined by lord justice Lopes of England as follows:

"If a Medical/ Dental man in the pursuit of his profession has done some thing with regard to it which will be reasonably regarded as disgraceful or dishonorable by his professional brethren of good repute and competency, then it is open to the General Medical Council, England if that be shown, to say that he has been guilty of infamous conduct in a Professional respect"

The question which he Council would have to ask themselves, therefore, is:-
Is it in the Public interest to leave the name of this Medical / Dental Practitioner on the Register?

The Council has the discretion either to suspend temporarily or remove permanently the name from the register depending on the facts of the case and he nature of misconduct.

The following guidelines will help Medical Practitioners including dentists.

1. Certificates:

No registered Medical/ Dental Practitioner shall give any certificate in his professional capacity which contains any false statements. Any Practitioner who issues a certificate which is untrue, misleading or improper shall be liable to be suspended or have his name remove from the register. This refers to all certificates including those for births, deaths,

insurance, workmen's compensation, medical fitness etc, Medical Practitioner having E category Registration Certificate should not issue Medical Certificates.

2. Attempts to make improper profit:

Any registered Medical/ Dental Practitioner who accepts any illegal gratification from a patient in the course of his professional duty, is liable to be suspended or have his name removed from the Register.

3. Abuse of professional knowledge, skill or privileges:

Any registered Medical/ Dental Practitioner found guilty of causing an illegal abortion or of prescribing drugs in violation of the Dangerous Drugs Act, or who becomes addicted to a drug himself, or is convicted of driving under the influence of alcohol or Other drug, is liable to be suspended or have his name removed from Register.

4. Abuse of Medical/ Dental practitioner patient relationship:

(a) Any Medical/ Dental Practitioner who commits adultery or has an improper association with a person with whom he has a professional relationship at the material time is liable to disciplinary proceeding. In the case of doctor who has been cited as a party in divorce proceedings, and has been found to be guilty of misconduct by a court of law, the finding of the court will be accepted as conclusive, and action will be taken accordingly.

(b) No Medical/ Dental Practitioner shall disclose any information obtained in confidence from a patient except when it is necessary to do so in the interests of the security of the State or the maintenance of law and order in the country.

5. Disregard of personal responsibility to patient:

(a) Gross negligence in respect of his professional duties to his patient maybe regarded as misconduct sufficient to justify the suspension or the removal of the name of a Medical/ Dental practitioner from the Register.

(b) Assisting an unregistered person to practice medicine or dentistry etc, or a professional association with such a person performing the functions of a practitioner in relation to medicine, surgery and midwifery, dentistry etc.: knowingly will make a registered practitioner liable to disciplinary action. This dose not preclude a Medical/ Dental Practitioner from imparting proper training to Medical;/ Dental students, Nurses, Midwives and other Paramedical presonnel, provided the doctor concerned keeps a strict supervision over such individuals when treating patients.

6. Offenses discreditable to the medical/ dental practitioner and his profession:

Any Medical/ Dental Practitioner condvicted of false pretences, forgery, fraud, theft, indecent behavior or assault, is liable to disciplinary action by the Council.

7. Abuse of financial and opportunities afforded by the medical/ dental practice:

No Medical/ Dental practitioner shall commercialize any secret remedy or share any professional fees with any other Medical /Dental practitioner or other person in the form of a commission.

8. Canvassing, advertising and using false title etc:

Canvassing and advertising for the purpose of obtaining patient and advancing the professional interest of a Medical/ Dental practitioner, whether done directly or indirectly through an agent, association or other persons and organizations is professional misconduct and may make the Medical/ Dental Practitioner liable to disciplinary action.

The publication of matter or comments calculated to advertise the qualifications, professional skill, knowledge or services of any Medical/ Dental practitioner for the purpose of advancing his Professional interests, when procured or instigated by the Medical/ Dental practitioner, or by individuals or associations or other organizations friendly to or associated with the Medical / Dental practitioner knowingly connived at by the Medical/ Dental practitioner liable to disciplinary action.

Notice announcements and leaflets, published or circulated by a Medical/ Dental practitioner, may if in excess of the customary limits or propriety observed by the profession, be regarded as advertising, amounting to professional misconduct. Similarly matter published in books, letters news papers and magazines, or through the medium of talks on the Radio or Appearances on Television, may, if published for the purpose of advertising a Medical/ Dental practitioner, be regarded as professional misconduct.

Prohibition for using false title etc. by registered medical practitioner or registered dentist shall use or publish in any way whatsoever any name, title, description or symbol indicating or calculated to lead persons to infer that he possesses an additional or other professional qualification unless the same has been conferred upon him by a legally constituted authority within or outside Bangladesh.

9. Announcement, Radio television:

When announcing their appearance on the radio or the television on professional subjects, Medical/ Dental practitioner shall not disclose their identity or allow it to be disclosed. This restriction shall not apply to Medical/ Dental practitioner who are not actively engaged in private practice or when appearing in a non-professional capacity. Appearance on Television and Radio shall be limited to the purpose of health education only.

10. Change of address or conditions of practice:

Any change of address or of the hours of practice may be suitably announced:-

(a) Through the local branch of the B.M.A. or the medical journal for information of the doctors.

(b) In the local press either once in three papers, or three times in the same paper on three consecutive days and the announcement should be made in normal manner and not unduly prominently as by big advertising blocks.

11. There is not rule preventing Medical/ Dental practitioners from charging one another for their services: but it is generally regarded as a pleasure and privilege to give one's services free to a professional brother, his wife and children, and to Medical/ Dental student.