
EDITORIAL

ETHICS IN MEDICAL PRACTICE

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The maintenance of the highest standards of ethics in the practice of medicine has been the object of all concerned medical practitioners from time immemorial.

Hippocrates more than 2000 years ago formulated his well known "Hippocratic Oath" which he wanted the members of his profession to subscribe to and observe. The Hippocratic oath has been the corner stone on which the medical profession has built its traditions of practice and codes of conduct. We in the medical profession in Malaysia can be justly thankful and proud that the standard of medical ethics has, by large been preserved in the best traditions of the Hippocratic Oath. Whenever there has been deviations by a very few, the profession is hurt that its good name is being tarnished.

Due to advances in medical knowledge and changing patterns of life styles minor modifications of the Code of Ethics have been made by each nation. However by and large the basic principles laid down in the Hippocratic Oath have been followed. We in Malaysia have maintained the same traditions as that of our medical colleagues in the Commonwealth.

In 1948, the world Medical Association put forward a modern version of the Hippocratic ideals and produced what is called the Declaration of Geneva, and based on this declaration drew up what is known as "The International Code of Medical Ethics". This Code, deals with three main obligations of doctors. It first discusses the ethical obligations of the doctor in general and then his obligations towards the sick and finally the doctors intraprofessional obligations. The International Code of Ethics has been designed so that it can be practiced the world over.

In Australia, all doctors who apply to become

members of the Australian Medical Association have to sign an undertaking that they will observe the principles of the Declaration of Geneva. Our Malaysian Medical Association and the Malaysian Medical Council have so far not required their doctors to sign any undertaking but one wonders if this practice should be introduced here so that when doctors are called up for investigations they do not plead ignorance of our Ethical Code.

Every member of the Malaysian Medical Association receives the Ethical Code which the Association has very carefully prepared. This document is quite extensive and well worthy of a detailed study. However, it might require periodic alterations. The Malaysian Medical Council publishes a much smaller pamphlet on Medical Ethics. This pamphlet could well do with more elaborate additions and modifications. As not all registered medical practitioners are members of the Malaysian Medical Association, the Malaysian Medical Council should issue a detailed Ethical Code as a guide to all doctors.

The Ethical Committee of the Malaysian Medical Association has been the watch dog to oversee and try to bring to book lapses in ethical practice but as it does not have legal powers, cases are referred to the Malaysian Medical Council as and when it deems fit. The President of the Malaysian Medical Council, who is also the Director General of Medical and Health Services, refers these cases to a Preliminary Investigation Committee, whose powers are restricted, to make the necessary investigations and reporting back to the Council. What is not generally understood is that this Preliminary Investigation Committee can advise that action be taken by the Malaysian Medical Council only if the allegations are strictly proved by evidence which the doctor has the right to dispute, if necessary with the help of his Counsel. Such

investigations take considerable time and not until recently has legal help been obtainable by the Preliminary Investigation Committee. It will save a lot of time if the Ethical Committee of the Malaysian Medical Association could also be advised, and represented at investigations, by a legal adviser of some standing.

With more and more doctors coming into private practice and a third Medical School in the offing we should seriously consider if medical ethics should not be taught as a subject in our medical schools and seminars held on medical ethics for graduates working in hospitals during their housemanship year. As more specialists are coming out into private practice there will be increasing competition among them. Human failings being what they are, with increasing competition there may be a tendency for unhealthy and unethical practices. Unfortunately we are in an era where many are looking for instant success, instant money and instant fame without having to go through the arduous training and practice, in what is essentially a humbling and demanding profession. Even if medical ethics is taught in medical schools the best way to inculcate the right modes of practice is by examples set by senior members of the profession. Restraining influence by a quick acting disciplinary Committee of the Malaysian Medical Council with enhanced powers will be useful. We read that in many countries today unnecessary operations are being performed without proper indications. We in Malaysia should not slip into those practices. Treatments of different nature are fashionable and tend to change, so do indications for surgery. There should however, be no hesitation on the part of a doctor to call for a second opinion or even suggest it to the patient if he or she is in any doubt about the need for surgery. One should not hesitate to consult his colleagues if he is in any doubt about how to deal with a particular problem. This attitude enhances the status of the consultant and does not reduce it as people like to think. It is surprising how another view point can be helpful and constructive.

Patients are becoming more and more know-

ledgeable about medical problem and as a result want to seek a specialist opinion. Whether we like it or not specialization in Malaysia has not only come to stay but will continue to develop in the Government and private sector. Specialization has been there among doctors from the Hippocratic era in the 5th and 4th Century B.C. Francis Adams who published a book in 1938 named the "Genuine works of Hippocrates translated from Greek" while quoting his translation from the Hippocratic Oath says "I will not covet persons labouring under the stone, but leave this to be done by men who are practitioners of this work".

The Malaysian Medical Council has constituted a committee to consider the setting up of a specialist register. It is hoped that the work of this Committee will be finalised so that like in other advanced countries Malaysia could also have a register of specialists and draw guide lines to determine the qualifications acceptable and the period of training required in their respective specialities.

One of the major complaints received by the Malaysian Medical Council is in regard to advertisements and publicity. During olden times there were no newspapers, radios, television interviews and talks by medical experts to various clubs and organisations. But today these have become part and parcel of our everyday life and some of our medical colleagues without the approval of their professional organisations rush to use these to air their view. Unfortunately sometimes private medical institutions also tend to advertise directly and indirectly their facilities. All this is not looked upon kindly by the profession generally. Arthur Burton in his book "Medical Ethics and the Law" writing on the subject of advertising and publicity introduces his chapter with the following paragraph which I think is well worth quoting in this context. He says "It is the hallmark of a responsible profession that its members do not advertise, and so the ethical rules relating to advertisement are strict. The fundamental principle is that a medical practitioner should build up his practice by proficiency in his work and by establishing a

sound professional reputation, and not by making use of commercial tricks. The word 'advertisement' is used in its broadest sense and includes all methods by which a practitioner may be made known to the public either directly or indirectly, with the object of promoting his own professional advantage".

The Malaysian Medical Council regards advertisement to be an infamous conduct in a professional respect and it would be valuable if the President of the Malaysian Medical Council now and again makes pronouncements on this matter and so educate the public and the press.

No ethical code can lay down rules and modes of conduct for each and every situation. What can be set out are only rules of guidance and the rest has to be left to the conscience of the doctor. As early as 1894 Lord Justice Lopez defined infamous conduct as that "which will be reasonably regarded as disgraceful or dishonourable by his professional brethren of good repute and competency".

One of the other problems that the Malaysian Medical Council faces is the association of doctors with unqualified persons. With "specialization" developing in speech therapy, skin care therapy etc. The Council has to make a ruling on how it would regard association of doctors with persons working in these fields. In Victoria, Australia any association with a person whose qualifications are not accepted by the Australian medical association is regarded as unprofessional

conduct. it may be necessary for the Malaysian Medical Council to list the type of "therapists" a doctor can associate oneself with.

There is no doubt that the vast majority of our doctors do their utmost to practice their profession with the highest ethical standards in mind and thus maintain the standing of our noble profession in this country. In order that this good image may continue to be maintained it would be useful if medical ethics be taught in our medical schools, seminars in medical ethics be held regularly, and if every doctor registering with the Malaysian Medical Council be made to sign the International Code of Ethics.

The Malaysian Medical Council should periodically review and make pronouncement on what is and what is not ethical practice and act quickly without delay to deal with those who deviate from the established practice as stated in the Ethical Code.

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