

Original Research Paper

Use of RTI Act, 2005 in Relation to Medical Ethics

¹Vaibhav Jain, ²Richa Garg, ³Mukesh Yadav

Abstract

Registration to the Medical Council is necessary before practicing the Noble profession almost throughout the world. In India, a medical graduate has to register either with State medical council or Medical council of India before starting practice. On registration, a number is issued to the registered doctor by the respective council which also provides certain rights & duties to the doctor.

As per Indian Medical Council Act 2002, a doctor shall mention his registration number on all the documents he/she issues viz prescription paper, receipts, bills, Medical certificates etc. Also, as per the Drugs Act 1945, it is required by anyone to write the registration number who is prescribing the drugs. Presently, it is seen that many doctors are unaware of these regulations.

The present study was done in view of writing Registration number by the doctors taking the advantage of Right to Information Act, 2005.

Key Words: Medical Ethics, Right to Information Act, 2005, Registration, AIIMS

Introduction:

Registration to the Medical Council is necessary before practicing the Noble profession almost throughout the world. In UK, a fresh medical graduate has to register with GMC [1], with Medical Licentiate in the US & with Australian Medical Council in Australia.

It is almost the same in almost every country. Similarly, in India, a medical graduate has to register either with State medical council or Medical council of India before starting practice. [2] On registration, a number is issued to the registered doctor by the respective council which also provides certain rights & duties to the doctor. [3] As per Indian Medical Council Act 2002, a doctor shall mention his registration number on all the documents he/she issues viz prescription paper, receipts, bills, Medical certificates etc. [3]

Also, as per the Drugs Act 1945, it is required by anyone to write the registration number who is prescribing the drugs. [4]

Corresponding Author:

¹Resident,
Department of Cardiology,
Yashoda Hospital, Secunderabad
E-mail: vaibhavjain1000@yahoo.co.in

²Resident, Dept. of Pharmacology,
Himalayan Institute of Medical Sciences,
Jolly Grant, Dehradun

³Dean/Principal
Siddhant School of Medical Science and Hospital,
Mainpuri, UP

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Discussion:

The study was done in view to evaluate the status of doctors writing the registration numbers on all the documents they issue including prescription papers, reports & bills. In an attempt to start the study, the most prestigious institute of our country was considered first.

For the purpose of the study the prescription papers & other documents from the All India Institute of Medical Sciences, New Delhi (AIIMS) which is presently ranked as topmost Medical school of the country [5], were collected.

It was revealed from them that many of the doctors were not writing the registration number on their prescriptions. It was also found that in many of the prescription, even the name of the doctor was not written, and just the signature was there at the end.

On the basis of these papers, it was really difficult to say which doctor has seen the patient. The patient was completely unaware of the doctor who has seen him.

This is clearly a violation of Indian medical Council Act, Drugs Act as well as Medical ethics. Following this, a letter of request was sent to the Director of AIIMS along with all the necessary documents as supporting proof. There was no reply from his office for over a month even on telephonically contact.

So, in view of this, a RTI was filled with the Public Information Officer under RTI Act, 2005 [6] enquiring about the status of letter send to the Director of the Institute. A reply was received from CPIO of the institute that the RTI

application along with the letter has been forwarded to the Sub Dean (Academics) who is also the CPIO in the case for reply & necessary action. Nothing was received more than this.

Further, even after expiry of statutory 30-35 days as explained in RTI Act, 2005 there was no reply from the concerned CPIO so a First Appeal was filled regarding the same to the Appellate Authority of the institute. The Appellate Authority forwarded the appeal to both the CPIOs to furnish the same within 10 days.

The First CPIO replied that he had already forwarded the application to the concerned CPIO so he is not liable to reply to the appeal. It was seen that there was only exchange of letters going on between the different departments but none of them was replying to any of the letters.

The time bound application to the Appellate Authority was not fruitful & no reply was received from the Appellate Authority also other than this that the application has been forwarded & asked to reply the same.

So, keeping everything in view a second appeal was filled under RTI Act, 2005 to the Central Information Commission for getting answer to the queries regarding the writing of the registration no in the most prestigious institute of the country. Nearly after a month, a letter was received from CIC, New Delhi regarding the date fixed for hearing for the case.

Just after two days of this letter, a call was received from the office of Sub Dean (Academics) enquiring about the queries so that they can be answered by them at this stage after receiving notice from the CIC.

As interpreted from the same that this was not taken seriously till now until the interruption from CIC in the case.

Finally, on the day of hearing before Hon'ble Commissioner where the Registrar & PA to CPIO represented from the AIIMS side submitted that "even though the AIIMS does not fall within the jurisdiction of the MCI, action has already been taken on the Guidelines issued by MCI, by circulating the Memorandum one week back on "Registration in OPD card, Prescription and Certificate" to all Chiefs of Centers, all Heads of Departments and all Resident Doctors.

This includes the suggestion given by the Appellant in the light of the Drugs Act, 1945."

The appeal was disposed off by the Commissioner for the appropriate action taken by the AIIMS based on the RTI request. This proved the usefulness of RTI Act 2005 in medical care.

Summary:

The present study was designed in view of the Medical Ethics in the medical fraternity. It is important to write registration number issued by Medical Council of India/ State Medical Council as per the Indian Medical Council Act along with Drugs Act.

But as revealed the medical fraternity has lack of knowledge about the same.

The present study revealed the current practice of writing registration number in top most Medical institution of the country so an attempt was done to bring a change in the current practice of writing registration number on the documents issued by doctors so that Medical Ethics can be properly practices.

In this attempt, the advantage of Right to Information Act, 2005 was taken so that the proper action can be taken in light of appropriate laws.

Conclusion:

The Study takes the advantage of Right to Information Act, 2005 in the field of Medical Ethics in providing proper Health care to the patients. Doctors should not only know about the medical knowledge, Medical Ethics is also important. The most prestigious medical institute of the country should abide by all the rules & regulation laid down in Indian Medical Council Act, Furthermore, it is very important to follow the Medical Ethics which is first & foremost before treating a patient.

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