IFPMA AND PHAP : CODE EVENT ON ETHICAL BUSINESS PRACTICES IN THE HEALTH SECTOR

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LEGAL BASIS

Article 1 of the Republic Act # 2382 otherwise known as the "The Medical Act of 1959" under Section 1. Objectives - This Act provides for and shall govern

a) the standardization and regulation of medical education;

b) the examination for registration of physicians; and

c) the supervision, control and regulation of the practice of medicine in the Philippines.
1) That the practice of Medicine shall be governed by professionalism that demands the possession of expert knowledge and skills on matters of healthcare and the promotion of this expertise with the highest ethical standards in attending to the needs of patient, profession, and Society.
2) In addition, the explosion of technology, globalization, economic problems, and ethical sensitivity has made it more difficult for physicians to address these responsibilities.

3) It is then crucial that the practice of medicine must be guided by a Code of Ethics.
PROPOSED CODE OF ETHICS OF THE MEDICAL PROFESSION

Fundamental Principles

1. Principle of Respect for Life which is an inviolable universal right mandated in the Philippine Constitution
2. Principle of Respect for Person
3. Principle of Social Justice
PROPOSED CODE OF ETHICS OF THE MEDICAL PROFESSION Article V111

Professional Relationship of Physicians with the Health Product Industry

REFERENCES USED

1. Output of the PRBOM- PMA Workshop held on 2008 with the officials of the PMA, Specialty Societies and Health Industry

2. Documents from the Asia-Pacific Economic Cooperation USA, Ministerial Meeting entitled "The Kuala Lumpur Principles Medical Device Sector Code of Ethics, 2011"

ARTICLE V111: Professional Relationship of Physicians with the Health Product Industry

1) The relationship shall be for the common good, partners in providing quality healthcare aimed at the patient's well-being and to enhance the practice of medicine. Appropriate marketing helps to ensure that medicines/medical technologies are used correctly for maximum patient benefit. Hence, the interactions between the two shall provide valuable/useful, scientific, clinical product and policy information about medicines/medical technologies.
ARTICLE V111: Professional Relationship of Physicians with the Health Product Industry

2) Further, their relationship should be mutually supportive and beneficial. Neither should take advantage or exploit the other. These principles are based on the foundation that a healthcare professional's care of patients should be based on each patient's needs and the professional's medical knowledge and experiences.
ARTICLE V111: Professional Relationship of Physicians with the Health Product Industry

SECTIONS INCLUDED

1. Ethical Promotions including ethics of physicians in attending/ participating in continuing professional development provided by the health industry -- participants, speakers, venue, scientific information, etc

2. Ethics of the physician in a consulting arrangements with the health industry
ARTICLE V111: Professional Relationship of Physicians with the Health Product Industry

SECTIONS INCLUDED

3. Other ethical support to physicians from the health industry such as development of an educational program, donation to charitable activities, sponsorships for a fellowship training program, attendance to foreign conventions.

4. Research activities of the physician undertaken for a health industry/technology.
Section 22 of the RA# 2382: Administrative Investigations - In addition to the legislative functions provided for, the PRBOM shall perform the following duties:

1) to administer oath to physicians who qualified in the examinations
2) to study the conditions affecting the practice of medicine in all part of the Philippines
Section 22 of the RA# 2382: Administrative Investigations - In addition to the legislative functions provided for, the PRBOM shall perform the following duties:

3) to exercise the powers conferred upon it by this principle with the view of maintaining the ethical and professional standards of the medical profession;

4) to subpoena or subpoena duces tecum witnesses for all purposes required in the discharge of its duties; and

5) to promulgate, with the approval of the Commission such rules and regulations as it may deem necessary for the performance of its duties in harmony with the provisions of this Act and necessary for the proper practice of medicine in the country.
PRBOM REGULATORY POWERS: Quasi-Legislative and Quasi-judicial

- Section 22, RA# 2382
- The Board may disapprove application for examination or registration, reprimand erring physicians, or suspend or revoke registration certificates, if the respondents are found guilty after due investigation.
Section 24, RA # 2382. Grounds for reprimand, suspension or revocation of registration certificate - Any of the following ground for reprimanding a physician, or for suspending or revoking a certificate of registration as physician:

1. Conviction by a court of competent jurisdiction of any criminal offense involving moral turpitude;
2. Immoral or dishonorable conduct;
3. Insanity;
4. Fraud in the acquisition of certificate of registration;
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5. Gross negligence, ignorance or incompetence in the practice of his/her profession resulting in an injury to or death of the patient;
6. Addiction to alcoholic beverages or to any habit-forming drug rendering him/her incompetent to practice his/her profession;
7. False or extravagant or unethical advertisements wherein other things than his name, profession, clinic hours, office and home address are mentioned;
Section 24, RA # 2382. Grounds for reprimand, suspension or revocation of registration certificate - Any of the following ground for reprimanding a physician, or for suspending or revoking a certificate of registration as physician:

8. Performance of or aiding in any criminal abortion;
9. Knowingly issuing any false medical certificate;
10. Issuing any statement or spreading any news or rumor which is derogatory to the character and reputation of another physician without justifiable motive;
Section 24, RA # 2382. Grounds for reprimand, suspension or revocation of registration certificate - Any of the following ground for reprimanding a physician, or for suspending or revoking a certificate of registration as physician:

11. Aiding or acting as a dummy of unqualified or unregistered person to practice medicine; and

Thank You!!!