The “New” Code of Medical Ethics

A small step forward

Fadi Moghaizel, December 5, 2012
The patient’s will [freedom to decide] must be respected in every medical procedure. If it is impossible to obtain the patient’s consent, the Physician must obtain the consent of the patient’s family starting from the first degree, or the consent of the person of trust designated in writing by the patient, or the consent of the patient’s legal representative if the patient is a minor or is mentally disabled, except in cases of emergency or impossibility.
Continuing Medical Education

Article 4

1- A Physician must keep acquiring continuing medical education in order to develop his/her medical knowledge and technical skills and stay up-to-date with modern scientific data in accordance with the Continuing Medical Education program adopted by the Order of Physicians.

If a Physician fails to fulfill such obligation, the Order of Physicians must take disciplinary measures against him/her and report such failure to public insurance institutions.

2- A Physician must equip his/her clinic, appropriately and with the technical installations which are sufficient for providing his/her medical services.

The sanitary and technical conditions for the equipment of medical clinics are determined by the Ministry of Public Health after consulting with the two Orders of Physicians in Lebanon.
Death Certificates

Article 7

10- A Physician must, in case of his/her patient’s death, issue a death certificate which includes the patient’s name, age, and the date and cause of death. If the death did not take place in a hospital, the Physician must report such fact to the appropriate authorities.

If a Physician can not identify the cause of death, he/she must request from the parents that an autopsy examination be performed and must record such fact on the death certificate.
14- If a Physician notices in the course of his/her professional practice, that an incapacitated person or a minor was the victim of abusive confinement, mistreatment, deprivation, rape or sexual assault, he/she must report such fact to the appropriate authorities.

Note: Removal of the obligation to report to the Ministry of Health alcoholic patients and drug addicts who refuse to be treated or who are dangerous to others. Reporting drug addicts who are dangerous to others is provided for in a different law.
Physicians’ Fees

Article 8

5- Hospitals must issue the Physician’s fee invoice separately from the hospitalisation invoice, and settle to the Physician his/her full fees that were paid to the hospital’s cashier desk.

6- A patient or the patient’s agent or representative to the contract with the Physician must pay the fees directly to such Physician.

7- Public and private insurance organizations must pay the fees directly to the Physicians.
No Advertising and Publicity (I)

Article 16:

- Medical practice may not be exploited for a commercial purpose.

1- Save for the participation to medical conferences supervised by the Order’s Scientific Committee, a Physician may NOT take part in any educational professional activities in any press or audiovisual media, without at least a three-day prior notice registered in the Registry of the Order of Physicians. The Physician must restrict himself/herself to medical data that is scientifically documented. He/she must also be cautious and attentive to the influence of his/her statements on public opinion.

2- A Physician may participate in public scientific debates, upon prior notice to the Board of the Order of Physicians.
No Advertising and Publicity (II)

Article 16 (continued):

3- A Physician may not engage into direct and indirect advertising.

4- A Physician may only announce, for a maximum one week period, the start of his/her medical practice, the relocation of his/her clinic, the date of his/her travel, and the date of his/her return.

5- A Physician may not make any direct or indirect publicity whether in his/her own interest, or in the interest of the institution he/she belongs to, or where he/she works, or in which he/she owns a share.
10- In the event [note: ‘an injured person’ has been removed] a mentally retarded person refuses the proposed treatments, his/her relatives or legal representative as well as the Physician are allowed to dispense with his/her prior consent. If a patient suffers from insanity or dementia or is a danger to others, the Physician must ensure the possible medical care to him/her in a hospital, and the hospital administration must notify the appropriate health or judicial authorities thereof.
Euthanasia – Terminal Illness

11- A Physician may not put an end to the patient’s life due to compassion, even if the patient asks him/her to do so, which means euthanasia.

If a Patient suffers from a disease with no hope of recovery, the Physician’s mission will be limited to reducing his/her physical and mental pain and giving him/her the appropriate treatments for protecting as much as possible his/her life. It is better not to have recourse to technical means and to excessive treatment with the consent of the parents and according to a joint report by the treating Physician and the Head of the Department concerned. It remains necessary to support the patient until the end, in such a manner that preserves the patient’s dignity.

Old text: 10- If a Patient suffers from a disease with no hope of recovery, the Physician’s mission shall be limited to reducing his/her physical and mental pain and giving him/her the appropriate treatments for protecting as much as possible his/her life. The Physician may not willfully put an end to the patient’s life and it is better not to have recourse to technical means and to excessive treatment to prolong the duration of the agony [Ihtidar], and it remains necessary to support the patient until the end, in such manner that preserves the patient’s dignity.
Anesthetists’ Obligations

Article 27

15- Physicians specializing in the administration of anesthetics and resuscitation must, prior to any surgery, examine the patient, review his/her medical file, obtain from the surgeon useful information, and record all their information in the medical file. They must write down in the medical file in the post-operative phase additional information related to anesthetics and resuscitation during and after surgery, and until the patient is discharged from the operating room.
Medical Records

Article 29

- **8- Judicial and health authorities, as well as the Order of Physicians, may obtain a copy of medical files which are the subject of complaints and investigations.**

- **9- Physicians and health institutions shall keep medical files for a period of at least ten years, except if the patient’s interest requires a further extension.**
1- A Physician may only prescribe medication or use experimental treatments under the following conditions:

- Abundant, safe and case-by-case scientific studies and research must be conducted at a specialized university medical center under the supervision of the School of Medicine of the center concerned.
- The Ethics Committee at the university medical center must grant its approval for prescribing the medication or using the treatment and send a prior notice thereof to the Order of Physicians.
- The treatment must be duly registered in a register for experimental treatments at the Ministry of Public Health.
Article 30

- The patient must have given his/her prior consent.
- The written consent of the parents or legal representative must be obtained for minors or incapacitated persons.
- The treatment must be free of charge.

2- The formation of Ethics Committees for the follow-up of medical research and clinical experiments in hospitals, their tasks, their objectives, the principles they are subject to, the methods of their appointment, and their control shall be determined by a decree issued by the Cabinet, upon proposal of the Minister of Public Health.
 Organs Donation and Transplantation (I)

(Article 30 continued)

3- The trade of human organs is strictly forbidden.

4- Organs may be removed from dead bodies for treatment or scientific purposes in accordance with the applicable legal procedures, provided the deceased person made a will for such purpose, or after obtaining a written consent from the family of the first degree.

5- Organ transplantation and donation from dead and living donors must be done in conformity with scientific progress, the requirements of modern medicine, scientific decisions for organizing organ donation and transplantation, as well as the principles of medical ethics.

Human organs and tissues may be removed from the body of living or dead persons for curing a disease or wounds of another person after obtaining the consent of the Lebanese National Committee for Organ and Tissues Donation and Transplantation in accordance with the conditions and principles determined by decrees issued by the Cabinet, upon the proposal of the Minister of Public Health, after consulting with the two Orders of Physicians, and which include the following:
Organs Donation and Transplantation (II)

(Article 30 continued)

- the general conditions and principles of organ donation and transplantation;
- the role of the specialist physician and the assistant medical team;
- the consent methods and procedures;
- the role of the appropriate authorities in controlling the organ donation methods; and
- the measures applicable in the event of violation of the conditions and methods of organ donation and transplantation.

The applied methods and the formation of the organizations in charge, including the Lebanese National Committee for Organ and Tissues Donation and Transplantation, their tasks and the conditions for authorizing organs transplantation and donation centers, the medical team in charge, the delegated judge from the Ministry of Justice, the procedures, death notifications, national registers, and other matters related to organs transplantation and donation shall be determined by decrees issued by the Cabinet, upon proposal of the Minister of Public Health after consulting with the two Orders of Physicians.
6- Artificial insemination or pregnancy through assisted reproductive technology may be used for spouses, upon their written consent, **subject to the applicable laws of the civil, Muslim, Christian and religious courts.**

7- Assisted reproductive technology, its use, medical ethics applicable when using such technology, the specific conditions for licensing centers for assisted reproduction, the conditions of their operation and other procedural provisions governing such technology, the conditions of the embryos storage unit and their disposal, as well as procedures taken with respect to violations, will be determined by a decree issued by the Cabinet, upon proposal of the Minister of Public Health after consulting with the National Advisory Committee for the Ethics of Health and Life Sciences.

8- The objectives, the conditions and procedures of research on the fetus, the ethics of such research, the authorization of use of embryo cells, the use of the frozen embryos for research or their disposal will be determined by a decree issued by the Cabinet, upon proposal of the Minister of Public Health after consulting with the National Advisory Committee for the Ethics of Health and Life Sciences.
Disfigurement in Cases of Emergency

(Article 30 continued)

9- No medical procedure that leads to the patient’s disfigurement may be performed except in cases of emergency and cases of dire necessity, or by decision of at least two specialist physicians, with the consent of the patient or the patient’s family of the first degree or the legal representative, if the patient is unable to decide.

10- The surgeon alone may decide, during an urgent treatment, to perform a surgery leading to disfigurement, provided he/she obtains the patient’s consent if he/she is conscious and aware, or the written consent of his/her family of the first degree, if any, or his/her legal representative.

11- Every medical or surgical treatment that leads to a sex change and affects the patient’s future shall be deemed as a disfigurement.
Stem Cells (new)

Stem cell culture techniques may be used for therapeutic purposes subject to the following conditions:

- The necessary scientific research must be conducted in line with the requirements of modern medicine, scientific progress and the principles of medical ethics.

- These techniques must be made at a university medical center licensed by the Ministry of Public Health.

- The Medical Ethics Committee at the university medical center must give its consent on a case-by-case basis.

- The patient or the patient’s legal representative must give his/her written consent to the use of such technique.

The stem cells techniques, the possibility of using them, health and technical conditions for their preservation, their disposal, controls and other procedural matters will be determined by decrees issued by the Cabinet, upon proposal of the Minister of Public Health.
The Medical Committee

Article 36

- Physicians contracting with a hospital must appoint a medical committee in charge of professional, scientific and moral issues, and the Physicians’ rights to professional fees.

- The Head and members of the Medical Committee must be appointed under the supervision of the Order of Physicians, under terms and conditions which are in conformity with the internal regulations of the hospital and the provisions of this Law.

- The various categories of physicians contracting with the hospital must be represented at the Medical Committee.

- The Committee shall fulfill the following tasks: [..] d- to help Physicians collect their fees in coordination with the hospital Administration; e- to seek to resolve conflicts between physicians, in cooperation with the hospital Administration[..] i- to cooperate with the hospital Administration in all subjects of common interest that concern the medical body and related to the hospital’s activities, and to seek to resolve amicably the conflicts that would arise between Physicians and the hospital Administration.
Pre-marital Medical Tests
Driving License Medical Tests

Article 47

- Physicians must ask those wishing to get married to undergo the medical tests required by the appropriate authorities before getting married, show them the tests’ results, advise them about preventive measures, and give them the necessary health recommendations. The information remains confidential and kept in a file with the Physician.

- Physicians must inform the party having the authority to perform the marriage ceremony that they did what was requested from them, in a written certificate on a form issued by the Order of Physicians.

- Physicians must, after verifying the health safety of the applicant for a driving license, fill out a medical certificate for obtaining the car driving license, on the form printed out with a serial number and issued by the Order of Physicians.
Disputes between Physicians

Article 48

- 6- Professional disputes between Physicians must not lead to public debates.

- In the event of actions before the courts, the decision of permission or refusal of such actions must be issued by the Order’s Board within one month from the date of registration of the application for permission at the Registry of the Order of Physicians. If this deadline expires and the decision is not taken, the permission is deemed as implicitly granted. [old text: The President of the Board had to be advised in advance]
The common fund managed by the Medical Committee must exclusively include the fees of colleagues from the same specialty, with the technical cooperation of the hospital Administration.
Patient’s Freedom of Consultation (I)

Article 51

- If a Physician is called to provide medical care to a patient whose treatment is ensured by another colleague in a hospital, he/she must abide by the following rules:

- If the patient is willing to leave his/her initial Physician, the new Physician must ask the patient or those responsible for him/her to inform the initial Physician and record in writing their appointment of the new Physician, and the initial Physician must provide the new Physician with all the information related to the patient.

- If the patient wishes to consult a Physician other than the treating Physician, this latter must meet his/her request, and the consulting Physician must leave to his/her colleague the result of his/her diagnosis and the treatment he/she suggests.
Patient's Freedom of Consultation (II)

Article 54

- At the end of the consultation session, irrespective of the number of participating Physicians, all Physicians, individually or collectively, must prepare a written report signed by them and that includes their different views.

- In the event of disagreement, the treating Physician must inform the patient of all the opinions, and the patient or his/her representative, if incapacitated, must decide in writing on his/her own responsibility who will continue the treatment.

Article 55

- The patient may request again the opinion of the consulting Physician with the approval of the treating Physician, and if the treating Physician does not agree, the patient may decide what he/she sees fit.