

2016

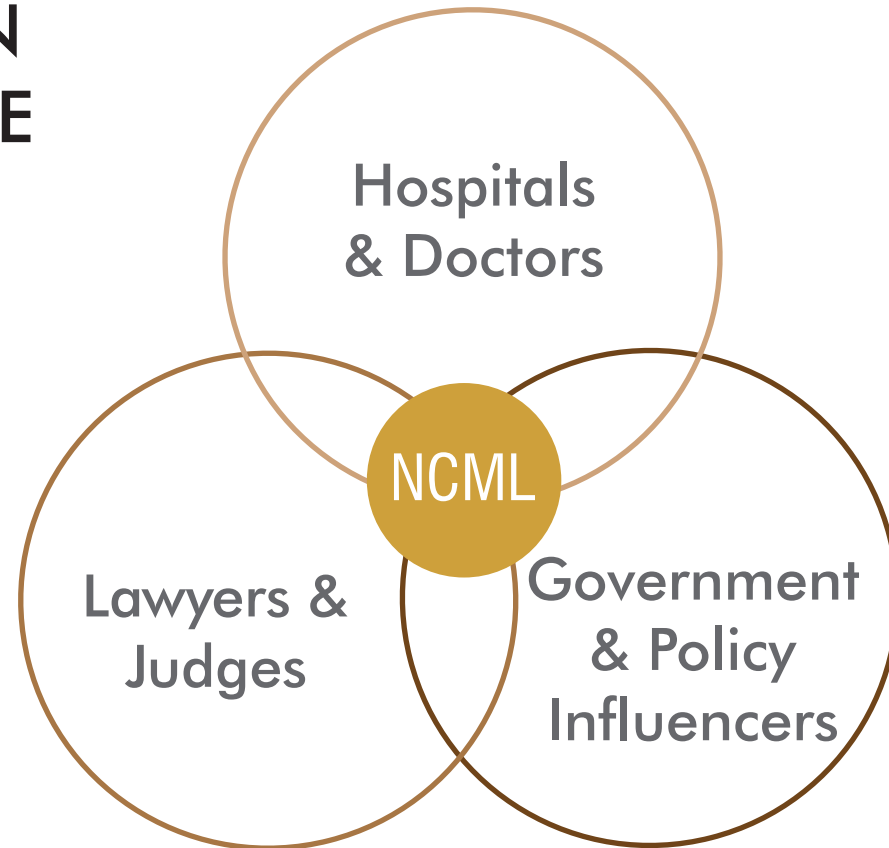


2nd NATIONAL CONVENTION ON  
**MEDICINE & LAW**



Mumbai - Delhi

# CONVENTION ON LEGAL ISSUES IN MEDICINE



## Bridging the gap

Between Medicine & Law

## PURPOSE

To create a platform to address  
legal issues in the ever changing  
Science of Medicine



### As of today...

- Sharp rise in cases of medical negligence
- Cases of violence against doctors and hospitals
- Rise in practice of 'defensive medicine'
- A barely existent regulatory frame work
- Courts being forced to take decisions in matters where written law is absent or ambiguous

### At the Convention...

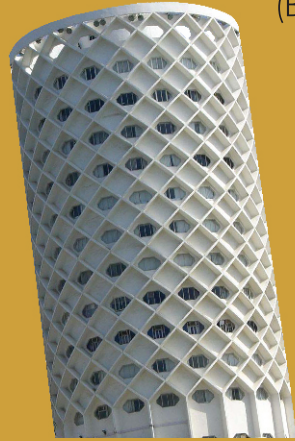
- Issues of concern will be deliberated on a national platform
- Different specialities will debate in break-away sessions
- Key stakeholders will table their problems, views and suggest appropriate remedial measures
- White Paper on the deliberations and recommendations will be presented to policy makers in an event in New Delhi

# MUMBAI EVENT

Balanced representation of key opinion leaders from medicine & law comprising of

## Around 300 Delegates

(By invitation only)



- Key Opinion Leaders in Medical Fraternity
- Office-bearers of Medical Council of India, Medical Societies, and Editors of Medical Journals
- High Court and Supreme Court Advocates
- Retired Judges of National Consumer Commission, High Court and Supreme Court
- Academicians and Medico Legal Experts
- CEO, Administrators of Corporate Hospitals
- Representatives of Medical Colleges, Institutions

# THE FINALE IN DELHI

The success lies in conveying the key recommendations to policy makers

- Representatives from various Government bodies
- Chairman/Secretary of Medical Societies
- Editors of Medical Journals
- Key Opinion Leaders
- MD's/Owners of Corporate Hospitals
- Dean/Director of Medical Colleges/Institutions
- High Court, Supreme Court Advocates
- Retired Judges of High Court, Supreme Court
- National Press

## Around 80 Delegates

(By invitation only)



# JOIN US, PARTICIPATE... FOR CHANGE



# 1<sup>ST</sup> NATIONAL CONVENTION ON MEDICINE & LAW - 2015

## A Report

The 1st National Convention on Medicine & Law - 2015 (NCML) was held on 6th September 2015 at Nehru Centre, Mumbai. Thought leaders amongst doctors, lawyers, editors of medical and law journals, academicians, and representatives from medical associations, hospitals, regulators, and policy makers were part of the deliberations. The Convention was divided into multiple sessions and included three break-away sessions on emergency

medicine, critical care and hospitals.

A follow-up event was held on 18th September 2015 at India Habitat Centre, Delhi. The suggestions and actions recommended by the Convention were conveyed to the policy makers and key government bodies as a 'White Paper'. The presence of national media helped in disseminating the requisite information to all concerned effectively.

For the first time there was a forum that was devoted to the interface between medicine and law. .... I believe it to be a nation building process.

- **Dr. R K Mani**, Past President, Indian Society of Critical Care Medicine

Wonderful event ... it will ignite the passion amongst the fraternity for a productive outcome in time to come.

- **Dr. Bhupendra Kumar Rana**, Joint Director, NABH

Path breaking in many ways and I must compliment you for taking the first step.

- **Dr. Alexander Thomas**, President, ANBAI & CAHO

I sincerely thank you ... for inviting me and presenting the view of the Government on the Clinical Establishments Act.

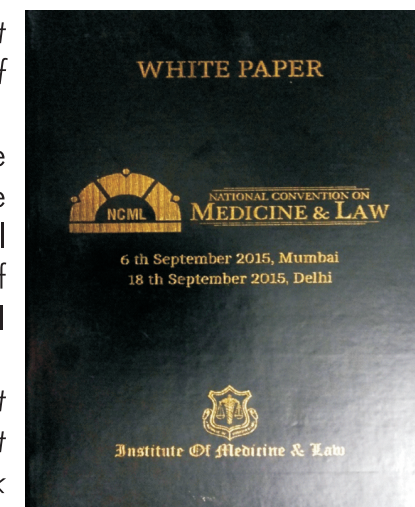
- **Dr. Anil Kumar**, Chief Medical Officer NFSG, Directorate General of Health Services

On behalf of ASI, I assure you of committed partnership. Looking forward for more of such positive and meaningful conclaves.

- **Dr. Suresh Vasistha**, President Elect (2015), Association of Surgeons of India

## Key recommendations

- Need of a statutory expert panel to authorize withdrawal and withholding of life support decisions.
- Statutory provisions for court declarations on the question of withdrawal of life support.
- MCI needs to delete 'Euthanasia' and replace the provisions regarding withdrawal of treatment and withholding of life support from MCI Regulations, 2002.
- MCI needs to clarify about competency of specialities best suited to treat acid attack victims.
- Need for a new law or further fortification of The Clinical Establishment Act, 2010 for emergency care.
- Amendment in the Motor Vehicles Act needed making it mandatory for insurance company to pay for treatment of motor accident victim.
- Statutory guidelines needed to promote reuse. This will result in national saving. Cost-reduction and not profiteering should be the only motive.
- Professional bodies need to come out with guidelines on reuse. An example is the reuse of coronary catheters in angioplasty following the guidelines issued by the Indian Cardiac Association.
- There should be only one forum to sue doctors. Constituting medical tribunals to exclusively try cases of medical negligence is a better option.



This experiment need to be repeated at regular interval ... it will be of great help to medical fraternity and greater service to humanity.

- **Dr Mukesh Yadav**, Editor, Journal of Indian Academy of Forensic Medicine

The views expressed hope would be able to see some new regulations & laws in the future.

- **Dr Vijay Kataria**



# Mumbai Event



*Welfare & Dr. Shiva Utture - Member: Maharashtra State Medical Council)*

**Joint Session 4:** Unrealistic compensation in medical negligence cases - Where does the solution lie? (Key Note Speaker: **Dr. Alexander Thomas** - Executive Director: Association of Healthcare Providers of India)

**Joint Session 5:** Role of law in controlling the healthcare cost - Reuse of equipments / disposables, a case in hand (Key Note Speaker: **Dr. Barun Nayak** - Hon. Secretary: All India Ophthalmology Society)



**Joint Session 1:** Providing free treatment (including medicine, bed, and food) to 'Acid Attack Victims' - Supreme Courts' direction that needs reconsideration (Key Note Speaker: **Dr. Atulkumar Shah** - Hon. Secretary: Association of Plastic Surgeons of India)

**Joint Session 2:** Emergency Medical Care - Need for a new Law (Key Note Speaker: **Dr. Imron Subhan** - Hon. Secretary: Society of Emergency Medicine of India)

**Joint Session 3:** The Clinical Establishment Act, 2010 - Compliments, Comments, Complaints (Key Note Speakers: **Dr. Anil Kumar** - CMO: Ministry of Health & Family

Moderator for Joint Sessions: Dr. Parag Rindani – CEO: Wockhardt Hospital, South Bombay

The Convention included three 'break-away' sessions on Hospitals, Emergency medicine, and Critical-care held simultaneously in different halls apart from the 'joint' sessions held in the main hall.

## Break-away session 1 - Critical Care

Moderated By: Dr. R K Mani - Ex-President: Indian Society for Critical Care Medicine



## Break-away session 2 - Hospitals

Moderated By: Dr. Suganthi Iyer - Medical Director: Hinduja Hospital, Mumbai

## Break-away session 3 - Emergency Medicine

Moderated By: Dr. Imron Subhan - Hon. Secretary: Society of Emergency Medicine of India






# Delhi Event




## Guests

**Dr. Jagdish Prasad** - Director General of Health Services, Government of India  
**Dr. Vedprakash Mishra** - Chairman, Academic Committee: Medical Council of India  
**Dr. S M Kantikar** - Hon'ble Judge: National Consumer Commission  
**Dr. B C Gupta** - Hon'ble Judge: National Consumer Commission  
**Dr. D R Rai** - Former Secretary General: IMA (National)  
**Dr. Narender Saini** - Former Secretary General: IMA (National)






जगत प्रकाश नड्डा  
Jagat Prakash Nadda



स्वास्थ्य एवं परिवार कल्याण मंत्री  
भारत सरकार  
Minister of Health & Family Welfare  
Government of India



MESSAGE

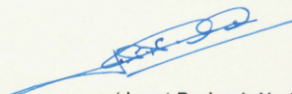
At the outset, my heartiest congratulations to the Institute of Medicine & Law for successfully organizing the first 'National Convention on Medicine & Law – 2015'. I also congratulate the medical associations, doctors, lawyers, editors of medical journals, academicians, and also the representatives of the Ministry of Health and Family Welfare, Medical Council of India (MCI), and National Accreditation Board of Hospitals and Healthcare Providers (NABH) who were part of the deliberations.

In a functional democracy, all the stakeholders must be involved in the process of decision making, directly or indirectly. But in a country like India, and on a subject like healthcare, this involvement is an issue. Therefore initiatives like this Convention are the need of the hour.

This Convention was unique in two ways. Firstly, various stakeholders came on a common platform and discussed legal issues of concern in the presence of the representatives of the government and regulatory bodies. Secondly, the government also tried to explain its stand on various issues.

The recommendations of this Convention will certainly provide us the requisite inputs in dealing with legal issues relating to healthcare. I would strongly suggest that the Convention should be a round the year exercise rather than being a one-day event, with wider participation and more intense deliberations.

Congratulations again for this year's success and my best wishes for the next Convention.

  
 (Jagat Prakash Nadda)

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# About Us

The need of an effective mechanism to address legal issues in the ever changing Science of Medicine was never so compelling. National Convention on Medicine & Law has been conceptualized and brought to you by the Institute of Medicine & Law (IML) to bring multiple stakeholders from healthcare, legal, and regulatory domains on a common platform.

Institute of Medicine & Law (IML) provides education, information, and services related to medical laws. IML's actionable content and analyses are delivered to doctors, hospitals, and lawyers on multiple platforms in real time.

IML is India's foremost authority on medical laws possessing the best resources in terms of legal professionals and experts. Its detailed knowledge bank is continuously updated with the latest developments and is optimally utilized to provide medico legal solutions to the benefit of healthcare providers.

IML has been conducting an annual exercise of drafting and adopting a 'SOP on Patients Consent' ([www.patientsconsent.com](http://www.patientsconsent.com)) together with major national medical associations like IMA, ASI, FOGSI, API, IOA, IRIA, AIOS, ISA, ISCCM, and CSI among others. This SOP is today accepted as a standard, comprehensive, and legally compliant document on patients consent in India.



**Institute Of Medicine & Law**

*Value Driven. Evidence Based*

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