



## 10. An additional opinion for a hospitalized patient

Published in February 2004

### Background

The Ethics Board has received complaints regarding the professional conduct of physicians who came as external consultants for patients hospitalized in a hospital or in departments that are not the regular place of work of said consultants.

We must clarify at the outset that every hospitalized patient or his representative is entitled, pursuant to the Patient's Rights Law and in accordance with accepted contemporary medical culture, to call for medical consultation of their choice.

The medical staff is obligated to cooperate with the consultant. However, it is proper to set limitations and instructions for his work and cooperation with the medical staff treating the patient, in order to preserve the health of the patient on the one hand, and the position and respect of the medical staff on the other hand.

One of the complaints involved a question of whether it is proper to coordinate the visit in the ward where the patient is hospitalized. That case dealt with a family's lawyer, who allegedly notified the staff in the ward of the arrival of the physician. In fact, as it subsequently transpired, he gave notice of the visit only to the nurse in charge that day, while the head of the department, his deputy, and the director of the hospital, were unaware of the intended consultation.

The consultant physician, meanwhile, assumed notice was given by the lawyer and did not himself bother to check whether notice of the visit had been given, as required, and that the staff in the department had in fact consented to his arrival.

Since the consultation centered on the hospitalization of a patient who at that time was at the center of a public storm and an intensive dispute regarding the ethical ramifications of his treatment, the management of the hospital viewed with great seriousness the consultation held without its knowledge, and submitted a complaint to the Ethics Board. The members of the clarification committee of the Ethics Board invited the physician for clarification and received the impression that he had acted in good faith and that he had received misleading information from the lawyer. However, the members of the committee felt that the consultant should have coordinated the visit by himself, and consequently they decided to record a warning for the physician regarding his actions.

In another complaint, a sharp dispute arose around the issue of whether a consultant who arrived to examine a patient at the family's request was entitled to write his opinion on the patient's chart. The dispute in this specific case became even more acute since the consultant criticized the quality of the treatment received by the patient and even suggested that he give a different treatment.

The medical staff in the department felt that "the medical file of the patient belongs to



the department" and that the department physicians "are not clerks who have to carry out the instructions of the consultant". These physicians felt that the entire incident led to "a rift in physician-patient relations" and they demanded an apology from the consultant for his entry to the department during the evening, without their knowledge, and for the fact that he had not bothered to inform any of them directly of the findings and conclusions that emerged from his visit.

Following these complaints, the members of the Ethics Board felt that binding rules should be written for the proper conduct of a consultant of a hospitalized patient. We hope that their publication and implementation will prevent similar complaints in the future.

### **Position paper**

- A hospitalized patient or his representatives are entitled to request an additional medical opinion.
- The medical staff shall permit this consultation in accordance with the choice of the patient or his representative.
- The consultant shall himself coordinate in advance with the department head or his deputy the date of the consultation.
- On arrival in the ward, the consultant shall introduce himself to the medical and nursing staff.
- The medical record shall be put at the disposal of the consultant, and if necessary, he shall receive additional details from the medical staff.
- During examination of the patient, the consultant shall permit the presence of a member of the medical or nursing staff of the department.
- At the end of the visit, the consultant shall summarize his findings, conclusions, and recommendations for the patient or his representative.
- The patient or his representative shall be entitled to decide whether a representative of the staff of the department treating the patient shall be present at the summary conversation with the consultant.
- The consultant shall summarize in writing his findings, conclusions, and recommendations.
- The summary shall be given to the patient or his representative and, with their consent, to the department treating him.
- The consultant shall, at the end of the visit, inform the medical staff of his findings, conclusions, and recommendations.
- The medical staff shall consider the opinion of the consultant and shall act in its best judgment for the good of the patient.