



15. The physician shall be entitled to notify his patients regarding his new place of work

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Background

Dr B. stopped working in a certain hospital after 24 years and after being unsuccessful in a tender for management of the institute in which he worked. The termination of his work was accompanied by much discord and required the intervention of the chairman of the physicians' committee and the chairman of the Israeli Medical Association in order to settle the terms of his retirement. A few months later, Dr B. began working in another hospital, from which he sent a letter to all his patients in the former hospital, informing them of his new place of work, and even offering a free first visit in his new place of work. The management of the first hospital complained to the management of the second hospital about this letter. In response, the management of the second hospital sent a letter of apology, which was also sent to Dr B.'s previous patients. In addition, Dr M., who had been appointed as the director of the institute in which Dr B. worked in the first hospital, sent his own letter to all the said patients. In this letter, he alleged that Dr B.'s conduct was not compatible with the accepted ethical code. Dr B. then sent a complaint to the Ethics Board of the Israeli Medical Association, claiming that the letter harmed his good name.

The clarification committee of the Ethics Board found the complaint to be justified, but also that the complainer himself had committed an ethical offence. The committee rejected a counter complaint of "stealing patients" or unauthorized use of a list of patients, but found a defect in the letter of Dr B., who offered a free first visit.

The clarification committee decided, inter alia, that Dr B. would apologize in writing to Dr M. and the management of the first hospital for the wording of the letter, which prima facie implied enticing patients to transfer to the new hospital. The management of the first hospital and Dr M. would themselves publish an apology for the letter in which it was written that Dr B. had not acted in accordance with the ethical code.

Dr B. did in fact apologize as required, but Dr I., the director of the first hospital, appealed against the decision of the clarification committee. The appeals committee of the Ethics Board ratified the decision of the clarification committee that Dr B.'s letter from his new place of work constituted an attempt to entice patients to transfer to the new clinic, thus constituting an ethical offence. The committee also ratified the previous decision, that Dr M.'s direct approach to Dr B.'s patients – in the wording used – constitutes libel against a professional colleague and should also be condemned.

It was also clarified that in addition to his actions as set forth above, Dr. M. sent "inaccurate" details to the second hospital regarding the termination of Dr. B's employment at the



first hospital. Regarding Dr I., the director of the first hospital, the appeals committee ruled that he had committed no ethical offence, and that it was not authorized to decide whether the hospital as an institution had committed such an offence.

Both Dr B. and Dr M. were given a warning by the appeals committee of the Ethics Board. The committee decided that the details of the affairs would be published without stating the names of those involved. The committee also decided that the subject would be brought for discussion in a plenary session of the Ethics Board.

Following the discussion held in the Ethics Board, it was decided to publish the position paper as set forth below.

Position paper

- The patient has the right to receive continuous and orderly medical treatment.
- This right also implies the right to receive medical treatment from a permanent personal physician.
- From this is derived the patient's right to know where the physician who had treated him until now has gone to work.
- This information would permit the patient to take "a considered decision" where, how, and by whom he will continue to receive the medical treatment he requires.
- The employer must notify patients of a physician changing his workplace within a brief and reasonable time.
- If the employer does not fulfill this obligation, the physician shall be entitled to contact his patients and notify them of the change to his place of work.