



40. Physicians on medical committees

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Background

The Ethics Board, as well as the press, has received complaints from the general public regarding alleged faulty management of the medical boards in the National Insurance Institute and in the Ministry of Defense. The complaints mainly raise accusations of a short, contemptuous, and humiliating examination, conducted without giving the examinee the possibility of properly presenting his viewpoint, in an atmosphere of suspicion directed against the examinee.

Another constant argument is that since the physicians receive their salaries from the institution for which they are working, they are faced with a conflict of interest, forfeit their professional independence, and submit to the dictates of the secretaries of the boards, employees of the institution, and allegedly act contrary to objective professional criteria.

On the other hand, the physicians of the boards claim that there are many cases in which the examinees exaggerate their complaints, and sometimes actually pretend, in order to receive financial compensation for a non-existent disability. They also claim that there were cases in which physicians treating the examinees instructed them, prior to the medical board, to cease or change the medical treatment they were receiving in order to worsen their medical condition in preparation for the examination by the medical board, with the intention of receiving maximum disability.

We must emphasize that the medical boards are a kind of judicial entity, bound by a decision-making process whose rules are specified in court rulings. These boards should be regarded as independent entities whose function is to give a ruling regarding the medical rights of the examinees, without the physicians on the boards being subject to the authority of the institution for which they are working or owing them any fiduciary duty. The physicians on these boards must act in accordance with independent professional criteria.

The Ethics Board held a debate on the subject, with the participation of Dr Mario Skolsky, the head physician of the National Insurance Institute, and advocate Leah Dekel-Greenblat, who represents claimants on medical boards.

Position paper

- Medical boards are quasi-statutory entities, whose function is to rule in medical disputes between the insured and the institution on behalf of which they act.
- Physicians of the medical board shall regard the examinee as a person with disabilities even before these have been determined.



- The medical examination shall be conducted while respecting the privacy and dignity of the examinee and giving full consideration to the normal running of his life.
- The examinee shall be given a suitable opportunity to present his point of view.
- The medical decision shall be given after collection, evaluation, and summarization of the medical data.
- The major points of the discussion held by the board shall be recorded in a protocol, with clear and understandable reasons given for the decision taken.
- The physicians of the board shall make an objective, independent, professional decision that is not subject to the authority of the institution in which they work.
- Independence of the medical boards is an essential condition for their functioning and purpose.
- It is improper for a physician treating a patient to instruct him to cease or change the medical treatment that he is receiving in order to "worsen" his condition prior to examination by the medical board.