



43. The examination of patients by medical students

Published in January 2008

Background

A journalistic investigation was recently published in the media, according to which medical students were required to conduct gynecological examinations of anaesthetized women without their knowledge or consent. The students, whose identities remain unknown, issued a complaint to the press, and from there the affair went public.

It is difficult to conduct a balanced discussion in a heated emotional atmosphere. Although the issue of examination by medical students of private body parts crosses the boundaries of gender, and is identical for men and women, 19 feminist organizations demanded that the Minister of Health immediately set up a commission of inquiry. The language in which the public debate was conducted was strewn with harsh expressions, ranging from "scandal, appalling incident, outrageous conduct, degradation and humiliation" to "rape of women" and "gang rape". The entire "medical establishment" was accused of "a humiliating, contemptuous, blind attitude to women".

The meeting between the patient and the medical student is defined in advance for both parties: A patient who wishes to be admitted to a hospital for treatment signs an application, in which the following paragraph appears: "I am aware that the ... hospital is a university hospital and students participate in the evaluation and treatment under full supervision". (Similar wording appears in the admission forms of the various hospitals in Israel.)

The activity of medical students is defined in a Directive of the Medical Administration of the Ministry of Health, dated July 2005, which specifies the conditions regarding "the participation of students in clinical activities" and obligates, inter alia, the express advance consent of the patient for the presence of or examination by students.

It seems that these instructions were not adhered to. The investigation exposed, unfortunately, an intolerable gap between what patients were supposed to know and consent about the medical staff treating them, and what actually took place in the operating theater.

In order to close this gap, and to stress the ethical code regarding "examination of patients by medical students", the Ethics Board conducted a debate in which Dr. Nili Karako Eyal from the Law School of the College of Management and Mrs. Hedva Eyal, coordinator of the Woman to Woman Organization, who represented the feminist organizations, also participated.

Following the debate, the members of the Ethics Board formulated the following rules, with the intention of striking a balance between apparently opposing interests: the obligation to respect the privacy, dignity, and modesty of the patient, and the social necessity to train the next generation of physicians in the State of Israel.



We hope and believe that these rules, binding on all physicians, will enable them to preserve the trust and transparency required in their relations with their patients. At the same time, the general public must be made aware of the need for those who will soon become physicians to acquire the necessary medical skills.

Position paper

- The physician-patient relationship is based, first and foremost, on trust, honesty, and mutual transparency.
- Consent for medical treatment is given, inter alia, based on the patient's knowledge of who will be involved in his evaluation and treatment.
- Consequently, the examination or treatment of a patient shall not be conducted by a person who is not part of the medical staff approved by the patient.
- It is doubly obligatory to respect the dignity and privacy of the patient when he is anaesthetized and cannot express his opinion.
- Physicians bear the social responsibility and obligation to educate the future generation of physicians in the country, while observing the highest professional and ethical standards.
- The hospitals and clinics in the community serve to advance the knowledge and clinical skills required in the training of medical students. The students take an active part in evaluating the state of the patients and their treatment, under the full supervision of the medical staff.
- It should be clarified to the patient that medical students will participate in all stages of his medical treatment, and that this plays an important part in their professional training. The patient's informed consent for this must be obtained in advance.
- It should be clarified to the patient that the students' evaluation and treatment will be done in the presence of the physician treating him, while respecting his dignity, privacy, and modesty.
- At the request of the patient, his examination or treatment shall be done in the presence of a medical staff person of the same gender as the patient.
- It should be clarified to the patient that he reserves the right to object to the presence of students or to examination by them, and that this will not affect the continuation of his treatment.