



51. The Joint Ethical Forum of the IMA and medical tourism companies

Published in November 2014

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Definitions:

- a. **“Medical tourist”**: a person who comes to Israel to receive healthcare services from Israeli medical institutions, whether public or private, and who isn’t entitled to healthcare services under the National Health Insurance Law – 1994 (hereinafter: “the medical tourist” or “the tourist”);
- b. **“Medical tourism company”**: a corporation or person engaged in medical tourism (hereinafter: “the company/companies”);
- c. **“Physician”**: a certified physician licensed to practice medicine in Israel;
- d. **“Physician-in-charge”**: a physician from a medical tourism company who is in charge of formulating the treatment proposal based on the tourist’s medical record and information, and is the tourist’s primary care physician;
- e. **“Medical escort”**: a person who accompanies the tourist during medical treatment, on behalf of a medical tourism company, a hospital or the tourist;
- f. **“Treatment team”**: the entire medical and administrative team that manages the needs of the medical tourist in Israel, including the physician-in-charge, the medical escorts on behalf of the medical tourism company and the physicians who provide medical treatment;
- g. **“Practice of medicine”**: examination of the sick and injured, diagnosis, treatment, prescription of drugs, medical counseling, medical treatment and follow-up, and all other services usually provided by a physician;



- h. **“Medical information”**: information directly concerning the physical or mental medical condition of patients or their medical treatment;
- i. **“Medical examinations”**: medical examinations the medical team needs to perform on the patient in order to receive a full clinical picture and determine treatment;
- j. **“Medical institution”**: a hospital, clinic or lab recognized by the Ministry of Health;
- k. **“Public hospital”**: a public hospital as defined in the National Health Law – 1994;
- l. **“Scientific Council”**: The Scientific Council of the Israeli Medical Association.

Goals:

- a. Defining a joint ethical code for physicians and medical tourism companies that will regulate their collaboration in providing medical tourism services.
- b. Formulating rules for providing medical treatment to medical tourists in Israeli medical institutions, in a way that upholds the principles of medical ethics: autonomy, beneficence, non-maleficence and distributive justice between tourists and Israeli citizens.
- c. Creating a relationship between physicians and medical tourism companies that will facilitate providing quality healthcare services to medical tourists, while upholding the positive reputation of Israeli healthcare and recognizing that medical tourists are goodwill ambassadors for the State of Israel.
- d. Establishing a joint forum for physicians and medical tourism companies to receive complaints from patients and refer them to the appropriate bodies for further investigation.

General obligations:

- a. Only physicians should make medical decisions regarding the medical tourist.
- b. All laws regarding healthcare and medical ethics that apply to Israeli physicians should also apply while treating medical tourists.
- c. Representatives of medical tourism companies should receive training in ethical issues, to be decided upon by the Forum for Application of the Ethical Code – a joint forum of the IMA and medical tourism companies.

Treatment proposal:

- a. An offer to receive the services of a medical tourism company should contain two parts: The first part should list the medical treatments offered to the medical tourist, and the second part should contain the additional tourist services the company provides, such as: a medical escort and translation, lodging in a hotel, transportation, tourism activities, etc.
- b. The company should request all relevant medical information from the medical tourist. The company should then provide the physician-in-charge with this information.



- c. The physician-in-charge of formulating the treatment proposal for the medical tourist prior to arrival in Israel should check the diagnosis, prognosis and treatments given to the medical tourist.
- d. The physician-in-charge should formulate and sign a treatment proposal that will be sent to the medical tourist prior to arrival in Israel. This proposal should include a statement that the medical tourist is required to bring the medical documents upon which the proposal was based.
- e. The pricing of the first part of the treatment proposal should be made in accordance with the estimated clinical condition of the medical tourist. The medical tourist should be notified that the price could change as a result of a change in the clinical condition.
- f. At the request of the medical tourist, the company should provide additional tourist services, as agreed upon.
- g. The company should notify the medical tourist, prior to arrival in Israel, about lodging arrangements while in the country. In any case, the company should be informed about the tourist's lodging arrangements.
- h. The company should explain to the medical tourist that as part of the additional tourist services provided, the tourist's medical information may be disclosed to people other than medical personnel (such as a medical escort or translator). If medical tourists decide to receive these services, the company should have them sign a medical confidentiality release form.
- i. The company should manage the duration of the medical tourist's stay in Israel efficiently. Accordingly, the treatment proposal should include an estimated likely duration of stay.
- j. The company should provide the medical tourist with its contact information, including phone numbers for contacting representatives of the company in urgent cases and/or emergencies. When the company knows ahead of time the name of the medical institution where the medical tourist will receive treatment, it should also state the contact information of the medical institution.

Treatment proposal for incurable patients:

- a. The physician-in-charge should provide the medical tourist with accurate information about the medical treatment, including the treatment's ability to substantially change the course of the disease, extend the patient's life expectancy and improve his quality of life.
- b. If the physician-in-charge, after examining all the data, concludes that the medical tourist's condition cannot be improved – he must make every effort to prevent the tourist from traveling to Israel for treatment.
- c. Prior to the medical tourist's arrival in Israel, the company should reach an



understanding with him regarding funding for a return trip to his country, if the medical treatment given in Israel turns out to be ineffective.

Adapting the proposal to the treatment:

- a. After sending the treatment proposal and prior to the medical tourist's arrival in Israel, there should be direct communication between the tourist and the physician-in-charge or a representative of the company.
- b. The medical tourism company and the medical tourist should openly discuss the tourist's expectations, from the first communication until the end of treatment.
- c. If the treatment plan changes due to a medical need that arose after the treatment proposal was formulated, the company should notify the tourist and provide explanation and justification for the change.
- d. After sending the treatment proposal, the price of treatment should only be changed if the clinical condition of the patient changes, or if the circumstances change in a way that could not be predicted or prevented. If the price changes in these situations, the company should explain the reason for the change to the tourist. If the wage of a physician changes – the new offer should reflect the components of treatment that changed, including those regarding the change in the physician's wage.
- e. The medical tourism company should notify tourists about any change in the treatment plan or pricing prior to their commitment to receive the treatment.
- f. Medical tourists should not be obligated to undergo tests they have already done, and which the treating physicians deem to be of good quality, except in cases where there is a clinical justification for repeating a test.
- g. The company should try to schedule appointments for necessary medical examinations ahead of time, in accordance with the treatment plan sent to the medical tourist. This rule does not apply to examinations that were deemed medically necessary only after the tourist arrived in Israel.

Medical treatment of medical tourists:

- a. The company should assist tourists, to the best of its ability, in adjusting their stay permits to the duration of their treatment.
- b. Subject to section h above [under "Treatment proposal"], the company should protect the tourist's medical confidentiality. The medical information disclosed to the company should only be accessible to the tourist's treatment team.
- c. The physician-in-charge should oversee the medical treatment given to the medical tourist in Israel and should be familiar with the tourist's medical records created during treatment.
- d. The company should compile and keep the tourist's medical records.
- e. The company should make sure to convey all medical information to the relevant



medical personnel treating the medical tourist, in order to ensure that proper and appropriate treatment is provided and/or continued.

- f. The company should maintain the right of medical tourists to receive medical information regarding their condition in a language they can understand, including a summary of treatment and conclusion of treatment by the physician-in-charge and translation of documents when necessary.

Post-treatment follow-up:

- a. The company should try to connect the medical tourist with a physician in the country of origin for the after-care clinical follow-up regarding the medical issues treated in Israel.
- b. The company should, to the best of its abilities, assist medical tourists in receiving a copy of their medical records in order to ensure continuity of treatment and follow-up in the country of origin. If needed, the company should provide tourists with detailed instructions and medical recommendations regarding the period after they leave Israel.
- c. The relationship of trust between the treatment team and the patient should continue after the end of treatment, as needed.

Transferring between medical tourism companies:

- a. Medical tourists may transfer their treatment from one medical tourism company to another, and should be permitted to receive service from any medical tourism company they choose.
- b. If a medical tourist asks to terminate his contract with one medical tourism company and transfer to another – the first company should transfer all medical documents it holds to the medical tourist or to the other company, as requested by the tourist.
- c. The physician-in-charge should be committed to the continuity of the medical tourist's medical treatment, even if the professional connection with him ends, and should cooperate with any other physician who also takes part in the tourist's medical treatment.
- d. Medical tourism companies should maintain mutual respect. If a dispute arises between medical tourism companies regarding a tourist who is currently undergoing treatment – the sides should have a respectful discussion to resolve the dispute amicably. In any case, the patient's health should be the most important value for the companies while resolving disputes.
- e. A medical tourism company that receives a medical tourist who was initially treated by a different company is permitted to request a letter from the transferring company stating that the tourist does not owe it any money.
- f. In any case, the tourist's health should not be compromised, and he should not be denied necessary medical treatment.



Advertising medical tourism services:

- a. Advertisement on behalf of medical tourism companies, through Internet sites or any other medium, should contain detailed information about the services offered by the company as well as credible and substantiated information regarding the areas of expertise and practice of the physicians the company works with, while maintaining the rules of self-advertisement of physicians in the State of Israel.
- b. Alongside the advantages, the advertisement should include information about the risks associated with medical tourism.
- c. Physicians and medical tourism companies should do all they can to prevent advertisement that is inappropriate and/or violates the rules of medical ethics, including advertisements that contain partial or false information and/or any advertisement that may mislead patients.
- d. Medical tourism companies that use a physician's name for advertisement should be held to the rules of Israeli medical ethics regarding the advertising of physicians.
- e. Companies should show their official name (as it appears in the company's official documents) and contact information on their website and other advertisements. Companies should avoid creating the impression that their website is also the official website of the medical institution with which they work and should be sure to separate the accreditation of the medical institution from their own accreditation or documents.
- f. Advertisements stating the advantages of a certain medical treatment should also present the risks entailed in that treatment. The advertisement should not include a guarantee of the results of the medical treatment provided by the company.
- g. Companies should not offer their customers participation in experimental treatment and/or any medical treatment that has not been authorized as an accepted medical treatment in Israel.
- h. Companies may use celebrity figures for advertisement purposes, as long as the commercial advertises the **services** provided by the company. The use of celebrity figures shall be subject to maintenance of their medical confidentiality.
- i. The term "specialist" in advertisements should only be used regarding fields recognized by the Scientific Council as areas of specialization.
- j. If an advertisement uses the name of an Israeli physician – there should be no use of patients' images, even with their consent, including their name, picture, voice, recommendation or any part of their body.
- k. Companies should avoid any advertisement that may disrespect the profession of medicine.
- l. Companies should avoid advertisements that disparage physicians and/or other medical tourism companies.



Providing medical treatment in accordance with the just distribution of resources to Israeli citizens:

- a. The appropriate balance should be found between developing medical tourism for the good of patients and utilizing the limited medical resources in Israel.
- b. The same quality of care should be provided to medical tourists and Israeli citizens.
- c. The rules of medical ethics should apply equally to treatment given to both Israeli citizens and medical tourists.
- d. Companies should invite a medical tourist to Israel only if there is sufficient capacity and availability for the medical procedures required in the relevant Israeli medical institution.
- e. Physicians should treat medical tourists in a framework that will not cause a delay in diagnosis or treatment for Israeli citizens, during both hospitalization and ambulatory care.
- f. Physicians should treat all of their patients, including medical tourists, according to the urgency of their medical condition, especially regarding use of medical equipment that is not readily available (such as MRI machines).
- g. Physicians should not attempt to give preference to medical tourists in hospitalization conditions or any treatment that is not available to Israeli citizens.
- h. Physicians should not give preference in treatment to a medical tourist over an Israeli citizen.

Transparency and avoiding conflicts of interest:

General:

- a. The treatment team should work to better the tourist's health, without any extraneous considerations.
- b. Physicians should be transparent and disclose to the medical tourist any personal, financial, professional or other conflict of interest that may be related to his treatment.
- c. Physicians should refrain from receiving any benefits in the context of medical treatment and should not offer or accept business or personal connections with a medical tourist while they have a patient-physician relationship.
- d. Physicians should make sure that their work with medical tourism companies does not place them in a conflict of interests with their position in the public institution for which they work, whether as an employee or service provider, or with their ethical and professional obligations towards their other patients. Furthermore, the company and its representatives should not place physicians in a conflict of interests, whether they are aware of it or not.
- e. Treatment teams should refrain from inappropriately taking advantage of their relationship with the medical tourist in any way, including physically, mentally or



financially.

- f. Treatment teams should refrain from soliciting a medical tourist to receive unnecessary medical treatment, whether another medical treatment or in general.

Transparency regarding payment and the physician's fee:

- a. The treatment proposal should list all components of the payment the company demands, including the various components of the physician's fee, such as payment for consultation, payment for surgery, etc.
- b. The physician's fee should be charged by the medical tourism company and then transferred to the public hospital. Payment for treatment provided in a private clinic should be transferred by the company to the physician.
- c. Physicians should not demand, receive or pay agency fees for referring medical tourists for examination, diagnosis, treatment or sale of medical equipment, or for referring them to health resorts or rehabilitation facilities. Physicians should only be allowed to allocate part of their wage to pay another physician if the latter significantly contributed to the diagnosis or medical treatment of the tourist.

Establishing a Joint Forum for Applying the Code:

- a. The signatories to this Ethical Code will establish a Joint Forum (hereinafter: "the Forum") that will answer questions regarding the application of these ethical instructions and provide interpretation for the rules. The Forum will consist of representatives of physicians and of medical tourism companies. The chair of this forum will be a physician who is a member of the Ethics Board of the Israeli Medical Association, appointed by the chair of the Ethics Board for this position.
- b. Each member of the Forum can select a stand-in, subject to the approval of the body they represent in the Forum.
- c. The Forum will formulate opinions on questions relating to the application of the ethical rules, both in principle and regarding specific future actions, and will act as a forum for discussing ethical complaints relevant to the field of medical tourism.
- d. The Forum will have the authority to review and issue guidelines for any contractual relations between a physician who is a member of the IMA and a medical tourism company, including dealing with violations of the rules stated above.
- e. The Forum will discuss the ethical training required for representatives of medical tourism companies.
- f. The discussions of the Forum may be carried out in any way the Chair decides, including over the Internet.
- g. The Forum will hold at least two meetings a year, in order to clarify issues regarding its responsibilities and authority. These meeting will be scheduled by the Chair.



Ethical Certificate:

- a. Medical tourism companies that sign this Code and commit to upholding its principles, are entitled to the Ethical Certificate for Medical Tourism and may use it for branding and advertisement.
- b. The Joint Forum will have the authority to revoke the Ethical Certificate from medical tourism companies that do not act in accordance with the Code's rules, as long as the company is given a chance to present its case.