



Dr KK Aggarwal
Padma Shri Awardee
President, Heart Care Foundation of India
Group Editor-in-Chief, IJCP Group

MBBS Doctor can Admit Patients Under Him/Herself

The provisions of Section 15 of Indian Medical Council Act, 1956 deals with right of persons possessing qualifications in the schedules to be enrolled which is reproduced hereunder:

“(15) (1) Subject to the other provisions contained in this Act, the medical qualifications included in the Schedules shall be sufficient qualification for enrolment on any State Medical Register.

(2) Save as provided in Section 25, no person other than a medical practitioner enrolled on a State Medical Register:-

(a) shall hold office as physician or surgeon or any other office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

(b) shall practice medicine in any State;

(c) shall be entitled to sign or authenticate a medical or fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified medical practitioner:

(d) shall be entitled to give evidence at any inquest or in any court of law as an expert under Section 45 of the Indian Evidence Act, 1872 on any matter relating to medicine.

(3) Any person who acts in contravention of any provision of sub-section (2) shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both;”

Also, the Indian Medical Council (Professional Conduct, Etiquette & Ethics) Regulation, 2002 enumerates the duties and responsibilities of Physician in general. The provisions of Regulation 1 of the Indian Medical Council (Professional Conduct, Etiquette & Ethics) Regulations, 2002 are reproduced hereunder:

“B. Duties and responsibilities of the Physician in general:

1.1 Character of Physician (Doctors with qualification of MBBS or MBBS with post graduate degree/diploma or with equivalent qualification in any medical discipline):

1.1.1 A physician shall uphold the dignity and honour of his profession.

1.1.2 The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who-so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

1.1.3 No person other than a doctor having qualification recognised by Medical Council of India and registered with Medical Council of India/State Medical Council(s) is allowed to practice Modern

System of Medicine or Surgery. A person obtaining qualification in any other system of Medicine is not allowed to practice Modern System of Medicine in any form.

1.3: Maintenance of medical records:

1.3.1 Every physician shall maintain the medical records pertaining to his/her indoor patients for a period of 3 years from the date of commencement of the treatment in a standard proforma laid down by the Medical Council of India and attached as Appendix 3.

1.3.2. If any request is made for medical records either by the patients/authorised attendant or legal authorities involved, the same may be duly acknowledged and documents shall be issued within the period of 72 hours.

1.3.3 A Registered medical practitioner shall maintain a Register of Medical Certificates giving full details of certificates issued. When issuing a medical certificate he/she shall always enter the identification marks of the patient and keep a copy of the certificate. He/She shall not omit to record the signature and/or thumb mark, address and at least one identification mark of the patient on the medical certificates or report. The medical certificate shall be prepared as in Appendix 2.

1.3.4 Efforts shall be made to computerise medical records for quick retrieval."

Further, as per the Schedules of Indian Medical Council Act, 1956 the qualification in MBBS is a recognised qualification and the person who undertakes the MBBS qualification is entitled to be registered as registered medical practitioner practicing modern system of medicine as per the provisions of Indian Medical Council Act, 1956. Further, the provisions of Indian Medical Council (Professional Conduct, Etiquette & Ethics) Regulations, 2002 enumerates the code of ethics to be observed by physician who is a doctor with qualification of MBBS or MBBS with post graduate degree/diploma or with equivalent qualification in any medical discipline. Thus, once a person has obtained a degree in MBBS and is registered under the Indian Medical Council Act, 1956, then he/she is entitled to practice the modern system of medicine.

Also, as per the provisions of Section 15 of the Indian Medical Council Act, 1956 the registered medical practitioner has a right to sign, issue and authenticate medical or fitness certificate or other certificates to his/her patient.

Also, as per the provisions of Indian Medical Council (Professional Conduct, Etiquette & Ethics) Regulations, 2002 the physical is required to maintain the medical records of his/her indoor patients. The indoor patients are those patients who have been admitted by the physician for treatment.

Hence, a patient can be admitted under the physician who is a qualified MBBS doctor and who has been registered with the Indian Medical Council or any State Medical Council for treatment of the patient as admission of a patient is essential for treatment of the patient which is the paramount duty of the registered medical practitioner.

As per the provisions of Regulation 1.4.2 of Indian Medical Council (Professional Conduct, Etiquette & Ethics) Regulation, 2002 the physician shall display as suffix to their names only recognised medical degrees or such certificates/diplomas and memberships/honours which confer professional knowledge or recognises any exemplary qualifications/achievements. Thus, the MBBS cannot claim himself specialist.

Further, in the matter tilted as "Surinder Kumar (Laddi) versus Dr Santosh Menon & Others, 2000 (III) CPJ 517 (Punj. SCDRC), the Hon'ble Punjab State Consumer Disputes Redressal Commission held that MBBS doctor having obtained degree from the University was competent to practice medicines, surgery and obstetrics. Caesarean operation is a part of surgery. It may be that the persons obtaining diploma like DGO may be more qualified to conduct Caesarean operation but it cannot be said that such persons who had obtained such training only were eligible to conduct Caesarean operation. Further, doctor was qualified as well as eligible for conducting Caesarean operation, on the basis of her experience also.

Thus, the MBBS doctor can admit patients.

