EDITORIAL

Medical practice is actually dictated by lawyers

Until the 18th century drugs were delivered by various professionals including barbers, priests, monks, physicians, alchemists, all of whom claimed to have their own secret remedies. At the end of the 18th century the profile of a practising physician was delineated through the creation of societies and academies of physicians. These Royal Societies and Academies established the rules and regulations of the medical profession and limited the number of drugs to those with a real and demonstrated effect. For example, before its dissolution by the Revolution, the French Royal Society of Physicians officially recognised only 11 drugs.

In the middle of the 20th century, physicians in several countries established a code of deontology to govern the behaviour of practising physicians. Such a code of practice considers ethical questions in medicine and enables physicians to judge and to be judged by their peers. Medical doctors established the rules and regulations of their practice, and put into place the necessary means to ensure that all practising doctors conform to the established rules.

Today, medical practice is no longer regulated by physicians but, instead, is dictated by lawyers. For instance, how a physician has to give the information to a patient, what constitutes the content of medical files, how medical departments are organised and, in effect the entire medical practice itself is subject to scrutiny and regulation by judges and lawyers. In certain cases a fatal issue concerning an extremely unusual situation can transform a judgment for an exceptional condition into a common rule for all.

Progressively, the rules and procedures intended to guide practitioners have become restrictive, impairing good medical practice that is adapted to each patient. Innovative treatments are excluded in this context. Fear of legal recrimination affects the behaviour of physicians and the longstanding trust developed between a doctor and a patient is replaced by a collection of legal forms and papers. Instead of encouraging words such as ‘Thank you Doctor, please do your best’, patients must show their confidence by signing several sheets of paper confirming that they have been well informed. In most cases patients are required to provide their written consent at a time when they are not really receptive, having just learned of their diagnosis. All of us know that in some cases, information must be provided to patients with caution. Judges and lawyers think that patients are able to understand the physiopathology of disease, to be familiar with all the various therapeutic issues related to disease and to share the decision taken by the physician. Today, jurisprudence stipulates that patients must assimilate, in a matter of minutes, all the knowledge that a medical doctor has acquired through 10 years of university training and many more years of medical practice.

It is time to react against this tendency of over regulation of medical practice by legal professionals. Official comment by medical professionals alone is pertinent to ensure the freedom of medical practice and to maintain that practice within its usual limits. Medicine cannot be dictated by lawyers or other legal professionals, or by any other professionals such as administrators or politicians. Medical practice has been inspired by a college of highly trained medical specialists and it must be developed, maintained and regulated by such a group. As in the 18th century, medical professionals must react against the interference by a multitude of ‘decision-makers’ and establish a firm protocol for governing medical practice.

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