

# Laws on Medicine

Lecture No.4 (in Classroom 22, on Wednesday, October 22, 2008, at 15:00-16:40)

## Chapter 4: Qualification for and Punishment on Doctor

—To Become a Doctor and Continue to Be a Doctor

- 1) How does the qualification for a doctor get established?
- 2) How does the administrative punishment to disqualify a doctor get provided?

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# Supplement to Last Class

As for the exercise below, the manual of World Medical Association points out a few points in dispute. What are these?

- 3 Doctor R is a family physician in a small provincial town. There came an approach from a contract research organization (CRO) for the doctor to participate in clinical testing for new nonsteroidal anti-inflammatory drugs (NSAID) against osteoarthropathy. She was to receive money in proportion to the number of patients she would register for clinical researches. The CRO guaranteed that it had obtained all approval for this testing, as well as the one by the ethics committee. Having no experience of participating in a drug trial, Dr. R felt good about it particularly for a special compensation to be provided for. Thus she accepted to take part in it without any further inquiry about scientific and ethical aspects of this testing.

# Diverse Medical Professions

Medical Practitioners Law, Dental Practitioners Law, Pharmacists Law, Law for Public Health Nurses, Midwives and Nurses, Emergency Life Guards Law, Dental Hygienists Law, Dental Technicians Law, Radiology Technicians Law, Clinical Laboratory Technicians and Health Laboratory Technicians Law, Physical Therapists and Occupational Therapists Law, Orthoptists Law, Speech Therapists Law, Artificial Limb Fitters Law, Law for Practitioners of Japanese Traditional Massage, Massage, Shiatsu, Acupuncture and Moxa Caution, Clinical Engineers Law, Judo Therapists Law, Law for Licensed Psychiatric Social Workers

# Medical Practitioner as Top of Medical Professions

Medical doctor=Bringing these specialists together

Article 17 of Medical Practitioners Law: “Those who are not medical practitioners must not practice medicine =“monopoly of the medical profession”

Article 18 of Medical Practitioners Law: “Those who are not medical practitioners must not use the designation of medical practitioner or its misleading expression=“monopoly of the designation”

Other medical professions take partial charge of the medical practitioner.

# Structure of Occupation Law

Text of the regulations to grant qualification

Text as to general obligations

Penal provisions

Their characteristics?

## Doctor and Attorney

### Legal Profession as “Doctor in the Public’s Social Life”

Number of attorneys

Ratio of successful applicants

Regionally uneven distribution

Disparity in specialty

Presence or absence of autonomous authority

Is the difference justifiable?

# Administrative Punishment (Disciplinary Procedure)

## Doctor and Attorney

- ◎ Kind → 2 kinds before the revision in 2006
- ◎ Actual number of cases
- ◎ Procedure
- ◎ Disclosure of punishment

# Administrative Punishment of Doctor

What sort of form should it be for the future?

Controversial relationship with the commission of inquiry on safety of medical care (the way the discipline should be relative to medical mishaps)



## Summary of 2007 Board Actions

**Medical Board of California**  
 2005 Evergreen Street  
 suite 1200  
 Sacramento, CA 95815  
<http://www.caldocinfo.ca.gov/>  
 (916) 263-2389; Fax: (916) 263-2387

### Board Information

Board Size/Composition 21 / 12 MD, 9 public

Board Meeting Frequency Quarterly

Standard of Proof Required Clear and Convincing

Professions Regulated by Board MD

Physicians Under Active Monitoring During 2007 672

Board Actions	2007	2006	2005	2004	2003
Total Actions	544	547	624	651	565
Loss of License or Licensed Privilege	187	181	218	216	203
Restriction of License or Licensed Privilege	133	120	145	159	162
Other Prejudicial Actions	142	149	155	169	116
Total Prejudicial Actions	462	450	518	544	481
Non-Prejudicial Actions	82	97	106	107	84
Number of Physicians with Prejudicial Actions	404	394	427	449	401
Number of Physicians with Non-Prejudicial Actions	82	95	103	106	89
Total Number of Physicians with Actions	470	460	504	531	490

### Physician Population

Total Number of Licensed Physicians	124,158	122,684	120,436	118,656	116,331
Total Number of Licensed Physicians Practicing In-State	97,141	95,547	93,501	91,936	90,019

### Composite Action Index

Total Actions/Total Licensed Physicians	4.38	4.46	5.18	5.49	4.86
Total Actions/Practicing In-State Physicians	5.60	5.72	6.67	7.08	6.28
Total Prejudicial Actions/Total Licensed Physicians	3.72	3.67	4.30	4.58	4.13
Total Prejudicial Actions/Practicing In-State Physicians	4.76	4.71	5.54	5.92	5.34
Composite Action Index	4.62	4.64	5.42	5.77	5.15