

From,

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To,

The President and Members
Karnataka Medical Council

Dear Sirs,

We are writing this in response to a press release from reportedly issued by the Hon'ble President of KMC. We find that several points mentioned in this statement are not as per the laws that govern KMC and therefore we request you to give a very careful consideration to the facts given below.

1. The press release mentions that under KMR act 1961 of main act 19 stipulates renewal of registration by dec 31st of every year. If they fail to do so their name shall be removed from register.

The section 13 (1) of the original KMR Act and Part IV, Section 39 (1) an section 43 of Karnataka Medical Registration Rules 1963 stipulated Rs. 15 for registration and Rs. 2 for annual renewal. This was amended in 2003 as below:

7. Amendment of Section 13—In section 13 of the principal Act:-

(a) in sub-section (1)

(i) for the words “ a fee of fifteen rupees” the words “ prescribed fee” shall be substituted:

(ii) in the proviso, for the words a “fee of two rupees” the words “ a prescribed fee” shall be substituted.

As the remittance of annual fee was found to be difficult, the council started collecting the permanent registration fee and started issuing permanent registration certificates. Even now, the application form for registration, as well the fee structure, made available on the council's web site, clearly mention the words PERMANENT REGISTRATION. Accordingly, all the doctors registered in Karnataka have in their possession a permanent registration certificate, obtained after paying the permanent registration fees. Further, the amendment of 2003 does not provide for revoking the permanent registrations granted by KMC after collecting the renewal fee in advance.

Therefore, KMC is bound to honour all the existing permanent registrations and cannot ask the practitioners to surrender such permanent registrations.

2. Section 19 of the KMR Act as amended in 2003 reads as: *Renewal of registration—(1) Not withstanding anything contained in section 13, each medical practitioner shall pay to the Medical Council a prescribed fee on or before such date as may be prescribed for the continuance of his name in the register provided that the renewal of registration shall not be done unless the registered Medical Practitioner produces a certificates for having attended a continuing Medical Education program for not less than one hundred hours conducted by an organization or institution recognized by the Medical Council*

This section nowhere specifies renewal every 5 years, nor does it stipulate 30 credit points, nor allows for revoking the permanent registrations already issued after collection of permanent registration fees. Therefore, quoting this section as a justification for the renewal process cannot be considered as valid. Further, the duration of CME programmes stipulated under this section of KMR Act is 100 hours, whereas the 30 credit hours that the press statement and KMC web site mention translate to 120 hours, again contradicting the provisions of the Act.

3. According to the press release, it has been claimed by KMC that the information on renewal was posted on its web site.

KMC being a statutory body, is required to issue official notification and ensure its delivery to all the registered medical practitioners. **No registered medical practitioners, even those with unchanged postal addresses since registration, have received any communication/notification whatsoever at any point of time regarding renewal of their registrations.** Web sites, press releases, messages on mobile phones are not accessible to everyone and cannot be considered as official notifications. In fact, most doctors working in the remotest parts of the state have no access to the internet. Many doctors, particularly the senior ones, some of them working even in medical colleges and cities, may not be able to use the newer technologies. Moreover, once a medical practitioner has obtained a permanent registration, there is no reason for him/her to keep checking the website with regard to registration.

4. According to the said press release, code of medical ethics which was gazetted by GOI in the year 2002 in that a physician should participate in professional meetings as part of CME for 30 hrs every five years conducted by professional bodies compliance should be verified by councils.

The code of medical ethics section 1.2.3 reads thus: A Physician should participate in professional meetings as a part of continuing Medical Education programmes, for at least 30 hours every five years, organized by reputed professional academic bodies or any other authorised organizations. The compliance of this requirements shall be informed regularly to Medical council of India or the State Medical Councils as the case may be.

This only means that the physician should participate in professional meetings for 30 hours in 5 years, i.e., 6 hours per year, and that such meetings can be organized by any reputed professional academic bodies and only that the compliance of this requirements shall be informed regularly to the council/s. This section has no bearing on renewal of registration and cannot be cited as the reason for 'cancelling the licence', as was reported in some sections of the media, quoting the Hon'ble president.

This code of ethics does not mandate the medical council to enforce any particular type of CME/s or inspecting such CMEs. As per this code, any professional meeting/CME organized by reputed professional academic bodies or any other authorised organizations, such as recognised medical colleges, national level organisations of medical professionals would qualify.

As of now, there are no specific instructions anywhere on the web sites of either KMC or MCI about the ways and means of informing the council/s of such compliance. As and when the medical council creates systems and notifies/informs all the registered doctors about the methods of informing such compliance to the council, all the medical professionals will be able to comply with this directive.

4. A4 sized certificates and smart cards are not the need of the hour. It is also unclear how these cards are going to stop quackery or faking, because, the patient seeking care will not have the means of reading the smart card at all. For other legal and policing requirements, names and details of all the registered medical practitioners are ALREADY available at the Indian Medical Register, accessible at <http://mciindia.org/InformationDesk/IndianMedicalRegister.aspx>.

5. Collection of biometric data for registration under Karnataka Medical Council is also not mandated by any law, state or central. It is also fraught with risks of data theft, which can never be undone, and which can put all the doctors of the state into grave difficulties.

6. The press release also mentions of the so called new initiatives, namely, guest house for RMPS, CME hall for conducting programmes, staff quarters for employees, district wise booth for conducting election to KMC and MCI etc.

These plans have absolutely nothing to do with renewal of registrations. As CME halls built by KMC are already available at 16/6 Miller Tank Bed Area, Vasanthnagar, Bangalore-560052 and the council is advertising the tariffs and other details of this facility on its web site, this statement is indeed surprising. We also submit that building guest houses anywhere, or any booths for elections, are not the objectives of the medical council at all.

7. We also bring to your kind notice the fact that many medical professionals in their individual capacity and organisations such as IMA Shivamogga, had questioned and even opposed these moves of renewal on the basis of CME credits and inspections of such CMEs, ever since they began.

We therefore request all the members to take a carefully considered view and decide on these matters with wisdom and care.

We place before you the simple facts of law that medical professionals are the most honoured and respected professionals as they are indispensable to the well-being of any society. Therefore all the laws of the land, be it IMC Act or Code of Ethics, or KMR Act or any other laws of civil or consumer or criminal liabilities, are very much considerate to the medical fraternity, providing them highest stature and least difficulties. We therefore urge all of you, members of the statutory organisation that regulates medical profession itself, to have a much larger view in deciding these issues. Karnataka Medical Council must facilitate learning, not complicate and unduly control it; KMC must try and help the medical professionals to engage in their arduous profession and not create unnecessary and unjust hurdles.

Thanking you,

Yours sincerely

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