

PMA CODE OF ETHICS

IMPLEMENTING GUIDELINES

(Based on the PMA Board of Governors Meeting held last
February 7, 2009, General Santos City)

1. These implementing guidelines are being enacted to guide physicians, the Professional Regulation Commission and the Commission on Ethics on some provisions of the Code of Ethics of the Philippine Medical Association.
2. Pursuant to the Medical Act of 1959, the Code of Ethics issued by the Philippine Medical Association shall be complied with by all physicians, whether such physicians are members of the association or not. Violations of the Code of Ethics shall constitute unethical practice and unprofessional conduct and shall be grounds for reprimand, suspension or expulsion from the association for cases filed with the Commission on Ethics of the association and shall be grounds for reprimand, suspension or revocation of license for cases filed before the Professional Regulation Commission, subject to the rules of procedures and policies of said bodies.
3. A medical or health product is defined as any product used by health professionals to fulfill their mission of preventing, screening, diagnosing, treating and monitoring of patients and it encompasses products available to the general public for health purposes. Health products are classified into four categories, namely
 - a) chemical products;
 - b) physical products;
 - c) blood components and transplants;
 - d) hospitals and medical clinics; and
4. Chemical products include medicinal and related products. Medicinal products are substances likely to have pharmacological and toxicological effects on the human body and can either be preventive, diagnostic and therapeutic and pleading to the modification of physiologic function. These include both prescription as well as non-prescription medicines, traditional and herbal medicines and preparations, dietary supplements, plasma derived medicinal products, vaccines and biological products in any form.

For herbal medicines or preparations, these include products that contain an active ingredient or a recipient of an aerial or an underground plant, part of plant or other plant material such as juices, gums, poppy oils and other substances of its nature.

Chemical products also include those derived from mollusks, insects, reptiles, amphibians, mammals, whether in their true state or finished preparation.

Dietary supplements include vitamins, minerals, organ tissues and metabolites.

Other related products are primarily food or cosmetics that have secondary therapeutic use exemplified by lozenges, fluoride toothpaste, beauty creams, astringents, lotions, vaginal douche, soaps and sprays, facial and body wash.

5. Physical products include medical devices which encompass all non-medicinal products that are used for the diagnosis, prevention, treatment or alleviation of disease or injury. These include contractions, wound dressings and electronic products that emit radiation.
6. Blood components include human products like blood, cells and tissue products such as labile blood components.
7. Hospitals are defined as facilities devoted primarily to the diagnosis, treatment, and care of individuals suffering from illness, disease, injury or deformity or in need of obstetrical or other medical or nursing care. They shall also be construed as an institution, building or place where there are facilities and personnel for the continued and prolonged care of patients. Clinics are places where patients can avail of consultation or treatment on an outpatient basis.
8. A physician shall not commercially endorse any medical or health product that are classified as chemical, physical or blood components and transplants. A physician shall not commercially endorse a specific or named hospital or clinic nor shall he or she commercially endorse the performance of a medical procedure or service in a specific or named hospital or clinic.
9. Commercial endorsement shall include the advertising or promotion of medical and health products as above defined, whether a physician is paid or not. It includes statements or declarations promoting or advertising medical or health products and the use of the names or the pictures of physicians in the advertisements or promotions. Favorable written or verbal reviews or statements of support for a medical or health product are included as commercial endorsements and are prohibited.

10. The names and pictures of physicians may be used in brochures and pamphlets distributed within the premises of hospitals and clinics. A physician shall not allow these brochures and pamphlets to be distributed in places outside of hospitals or clinics. The names or pictures of physicians in billboards within the premises of the hospitals or clinics are allowed.
11. Educational grants may be accepted by a physician from a pharmaceutical or health product company but such educational grants should not require the physician to prescribe or use only products manufactured or distributed by such sponsoring entity when there are similar products in the market. A physician shall not commercially endorse a pharmaceutical or health product company.
12. A physician who may be a lecturer, moderator or speaker during CME activities shall only use generic names. In the main session hall of the CME activity, only the names of the pharmaceutical or health product company may be posted. The posters, pamphlets, brochures, stickers, advertisements or others of similar character containing the names of the medicines or devices shall be posted in designated areas.
13. Physicians may accept subsidies from pharmaceutical or health product companies for foreign medical scientific activities or conferences but the said activity or conference must at least be four (4) hours in duration and the physician shall attend at least seventy (75%) per cent of the total number of hours in the scientific activity.
14. In the determination of professional fees, the principle of transparency and the right of patients to disclosure shall obtain so that the physician even before the start of treatment shall discuss with his or her patient the possible expenses including professional fees to be paid by the patient. In determining the professional fee to be charged to the patient the following in their chronological relevance, shall apply:
 - a. **Nature of the case.** The physician, in determining his or her professional fee, shall be guided by the following– [a] The complexity of the case; [b] The existence of co-morbid situations; [c] The emergency nature of the case; [d] The risk to the physician, either social or environmental (place of war, etc.) or medical (HIV, SARS, etc);
 - b. **Time consumed:** The physician, in determining his or her professional fee, must consider how much time he has given PERSONAL attention by being physically present in attending to his or her patient;

c. **Professional Standing and Skill of the Physician.** In the determination of the professional fee of a physician, his or her specialty and/or experience in practice is relevant;

d. **Financial status of the patient.** In a hospital setting, the patient shall be charged according to the classification done by the hospital's social service department or its equivalent. In no case shall a full charity patient be charged with a professional fee. In case of partially paying patient who can not pay in full, the patient shall be given the option to pay according to a schedule of payment agreed by the patient and the attending physician.

In an outpatient setting, the physician shall make his or her objective and honest assessment as to the financial capability of the patient. The physician may be guided by asking the patient's means of livelihood, kind of abode, size of the family, and such other information that may help him or her to evaluate the financial capability of his or her patient.

In the consideration of professional fee, the physician must conform to the norm or standard prescribed by the society, association or organization of which the physician is member. For non-specialty practice, the norm or standard fee shall be that prevailing in the locality. In both cases, any professional fee charged or collected twice or more than the norm or standard shall be considered exorbitant.

15. No advance payment for medical services shall be demanded by the physician, although a physician may accept such upon a voluntary payment made by a patient.

Professional fees shall be charged and collected only for actual medical service rendered as defined by the Medical Act of 1959 as amended.

16. As an expert witness in the administration of justice, the fair and just remuneration may consists of reimbursement of the physician's expenses in going to and from the court hearing. The reimbursement may consist of gasoline expenses, board and lodging, food expenses, bus and/or air fare, and other costs in connection with his or her being an expert witness. In addition to the preceding, the physician may ask for reasonable appearance fees in the amount prevailing in the locality where the physician has testified as an expert witness.

17. As a colleague in the medical profession, a physician shall not collect any professional fee from the following:
- a. Colleague;
 - b. Colleague's legitimate spouse
 - c. Colleague's legitimate children who are minors, or not minor but mentally or incapacitated and dependent upon the colleague for support;
 - d. Colleague's parents;

Provided, however, that the colleague-patient shall reimburse at cost the work-up done (X-ray, Laboratory, etc.) on the colleague-patient, Provided further that the attending physician may receive from his or her colleague-patient such reasonable gift/s from the colleague-patient as a show of gesture of goodwill in return for the generosity of the attending-colleague-physician.


This shall not apply however to plastic or cosmetic procedures unless the cosmetic service is for reconstructive procedure for conditions resulting from diseases or accidents.

In case of package deals, professional fees included in said package shall be waived.

18. A physician shall not receive nor give any commission for referring patients or receiving referrals to and from a colleague, third person or institution. Fee splitting is a form of commission. However, nominal gifts during occasions may be received by a physician.
19. The Code of Ethics was approved by the Board of Governors and ratified by the General Assembly on May 2008. The Implementing Rules and Regulations was approved by the Board of Governors on February 7, 2009.

Approved:


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