

***Workshops on the Rights of Doctors and Patients: Between Legislation and Practice***

***January 18<sup>th</sup>, 2023***

***The Legislative Committee at the National Council for Human Rights (NCHR) in Egypt***

The Legislative Committee held a workshop on the Rights of Doctors and Patients: Between Legislation and Practice, January 18, 2023. The workshop resulted in the following recommendations:

***Recommendations regarding the Medical Liability Law:***

**Objective:** To develop a law that achieves the required balance between the rights of doctors and the rights of patients, thus preserving citizens' right to comprehensive healthcare and the right of doctors to perform their duties in an atmosphere of tranquility and reassurance, leading to improved work within the healthcare system. This will be achieved by reaching consensus on the following articles:

- 1- Article 23:** Codifying the prison sentence for doctors within the narrowest scope if there are suspicions of criminal activity, unlicensed work, or intentional harm.
- 2- Article 23:** Reviewing the amounts of medical fines, as they are excessive.
- 3-** Adding an **article** on medical facility obligations, imposing penalties on medical facilities if they fail to implement the required medical and professional standards.
- 4- Article 22:** Repeal the phrase "without prejudice to any more severe penalty stipulated in any other law..."
- 5-** Explicitly stipulate the formation of subcommittees, their mandates, and the organization of their work, as they will effectively be the body that will review investigations.
- 6- Article 12:** The report issued by the Medical Liability Reporting Authority shall be one of the documents required for litigation.
- 7-** No legal action shall be taken against the defendant until after the Supreme Committee issues its report (arrest of the doctor, detention pending investigation, or renewal of the investigation, etc.).

***Recommendations regarding training and enhancing the competence of physicians:***

**Objective:** To provide quality medical education and specialized training at the highest level to maintain the level of Egyptian physicians at the forefront.

- Promote professional training and continuing medical education.
- Develop unified clinical protocols for good surgical and medical practices, available in all hospitals and treatment centers so that they are binding for physicians, with the aim of standardizing medical practices in Egypt.
- All practicing physicians must have insurance coverage against accusations of medical errors.
- Guidelines for handling patient complaints should be in place in all hospitals, with the ability to provide financial compensation if medical negligence or error is proven.

- Training physicians and increasing their awareness of medical records and the principles of writing medical reports.

**Recommendations regarding patients' rights:**

- Establish clear legal provisions stipulating patients' rights, such as informed consent, knowledge of the treatment plan, and non-disclosure of patient's confidentiality.
- Provide approved written or visual materials to inform patients about the disease, its consequences, and treatment.
- Provide clear forms of informed consent and approval of medical and surgical interventions that are easy for the patient or their representative to understand.

***Community awareness and the role of the media:***

- Discuss important issues objectively and avoid inciting public opinion against doctors as this leads to what is known as defensive medicine, meaning that some doctors may refrain from quickly and effectively intervening in complex cases with a low success rate for fear of being imprisoned, which would negatively impact the patient.
- Provide a documented guide to Patients' rights and physicians' rights and responsibilities.
- Provide clear guidelines for the police when investigating a physician accused of professional misconduct, including the circumstances that may restrict the physician's freedom to be investigated, and the appropriate period of time.