

**SAUDI COUNCIL
FOR HEALTH SPECIALTIES**



ETHICS

OF THE

MEDICAL PROFESSION

A Manual Guide for Medical Practitioners

Second Edition - 1424 H (2003 G)

Prelude

Rich and pleasant be to Allah Almighty and peace be upon his best chosen messenger, his family, disciples and followers.

Article (2/11) of the Saudi Council for Health Specialties by law provides, among other duties and responsibilities of the Council, the setting up of the principles and standards for practicing health care profession, including the ethics and morals thereto. The Council continues to be deeply concerned towards the important field, furthering the fulfillment of the wise directions of the rulers-may Allah protect them-and also out of keen interest to spread comprehensive knowledge about this vital and valuable profession (the medical profession) to the hearts of every human being. Hence, guarantee its effectiveness and performance of its great role in human life by clarifying the required characteristics of a doctor and his duties towards patients, the society, the profession and his colleagues, primarily derived from the guidance of the Holy Book of Allah- Glory be to Allah, and the sunnah of his Messenger peace Be Upon Him.

In one auspicious step in this context, the second edition of (Ethics of the Medical Profession) is being published, four years after the publication of the first edition, in order to stay abreast with novelty and latest development of research and aspects of scientific investigations in this field, and to benefit from recent experiences. In addition, many consultations were herein endorsed by some of Their Eminence the Ulama (scholars of Islamic religion) regarding the legitimacy of certain issues in accordance with Sharia Law.

It gives me great pleasure in this connection, to express my thanks and appreciations to both the general and the special committee, who prepared and reviewed this new edition of (Ethics of the Medical profession). The special committee members are:

1. Prof. Jamal s.aljarallah.....Chairman professor of Family Medicine-college of Medicine-king Saud University in Riyadh.
2. prof. Hassan Abu Aisha.....member professor of internal Medicine-Collage of Medicine-King Saud University in Riyadh.
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4. Dr. khaled A Al-wazzanMember Assistant professor college of Dentistry – king saud university in Riyadh.
5. Dr. Saeed A.Al-ZahraniMember kpoanning consultant- Mnistry of helth.

In addition to some their Eminence the Ulama (scholars of Islamic religion) who explained the legal sanctions to a number of matters and researches in this book. May Allah Almighty Bestow success to the righteous path.

Prof. Hussein M.Al-Freihj
Secretary General of the council

Introduction

Praise be to Allah Almighty and his prayers and peace be upon his last and master of messengers, upon his family, disciples and followers.

Justice in sharia Islamic law is, in fact, an end in itself, therefore Islamic society is built upon a set of regulations stipulated by Islamic law. These principle regulations clearly distinguish the good from evil, the right from wrong, and the permissible from the prohibited. One of the indications of the development of communities in cotemporary era is the development of its systems that govern its various affairs. And whereas the medical profession is considered one of the most refine professions of human society, whether for its socially high-ranking and material status among other professions in the society, or for its refined and great concern with human life, health and feelings, ethics and morals were established for this profession that are taught to medical students and which are imposed upon all its members by medical organization all over the world. Many countries have also set laws and regulations specifying the necessary practice pre-requisites for practicing the medical professions. These laws govern doctors, behavior, specify their responsibilities, regulate their interrelations, and their relation towards their patients.

Medical profession has been distinguished since the early ages for the significant and grave responsibilities entrusted to practitioners, a profession which require profound knowledge, righteous morals, dedication to efficient and good performance, self-denial and presumable mercy towards all without differentiation or distinction.

If Islam urges its followers to abide to noble morals, sincerity, and perfection, then these characteristics should be an obligation for those members of the medical profession. Thus the Saudi council for health specialties has issued the second handbook edition of (Ethics of the Medical profession)in executing some of its main tasks of furthering the advancement of the medical profession to a better level in this or in other domain.

Preface

The professions code of ethics and its regulations:

Code of ethics: are guidelines derived from values and principles intended for the appropriate behavior while practicing various professional activities.

Code of conduct: are set of rules and legislations that regulate the work of practitioners, the violation of which imposes consequent penalties. They are kinds of laws.

Hence, the ethics of the profession indicate the way a doctor is expected to behave, whole the regulations indicate the way a doctor should behave. It is worth mentioning here, that the profession regulations need, in the first place, to be formulated into rules and established from within the ethics of the profession.

The main target of this handbook is the ethics of the profession. It contains a set of guidelines in the form of a manual guide for professional and personal behavior expected to be followed by doctors. It mainly concerns doctors and dentists, whom shall be hereinafter in this book referred to by "the physician". It is noteworthy that all physicians should strictly abide by the Regulations of practice of medicine and

dentistry issued by the Royal decree no.(M/3) dated 21/2/1409 H and its executive regulation issued by the minister of health decision No.(288/17/L) DATED 26/6/1410)H or any amendment thereto.

The professions honor:

Islam has placed the preservation of human-life second in rank to preservation of religion. Islam prohibits murder except for equality in punishment. It has made punishment obligatory as required, but has prohibited assault on self. Allah, the exalted says: (that if any one slew a person-unless it be for murder, or for spreading mischief in the land –it would be as if he slew the whole people, and if anyone saved a life, it would be as if he saved the life of the whole people) (verse 32 of Surat Al-Maida).

And whereas the medical profession is concerned with human beings and the health and lives of human beings, protecting it against any incapacitation or extermination; and so also is entrusted with the protection of human brain against any dysfunction, disability or total deprivation; and whereas the physician is entrusted with human health, which is most precious to human beings as well as with patients secrets and peoples privacy and honor, so the medical profession becomes the most honorable and noble profession ever.

All "ulama", scholars, and philosophers share consensus as to the integrity and honor of the medical profession, and paramount importance of the physician. Imam al-safari (one of the early scholars of Islam), may Allah have mercy upon his soul, said: (there are two kinds of persons who are indispensable for people: the scholars for dealing with their matters of religion, and doctors for dealing with their bodies). Al- Razi (one of the old Muslims physicians) narrated on the importance of physicians; (they possess traits that are not found in others, among such is the unanimous view of followers of religion and authority of preference to their occupation, and the acknowledgement of both kings and laymen for the exigent need for their services; of their everlasting strive to discover the unknown in the field of knowledge, of their pursuance to improve their profession , and of their persistent concern of introducing happiness and comfort to others).

If the physician thoroughly understands the degree of the significance and of supremacy of honor of his profession, he would not but behave in the suitable manner appropriate to the superiority of its position. He would then act far above committing any of the acts, which are inappropriate to his character and his profession such as those that would defame his reputation, and that of his profession such as those that would defame his reputation, and that of his profession. Among such undesirable acts would be job deception, violation or non-fulfillment of appointment, lying, counterfeiting, behaving arrogantly, and false pretence of knowledge or such other calumnious disparaged acts that would eventually be revealed and known. Consequently, people would undermine his prestige, and he shall be accountable for his evil deeds to Allah Almighty.

The medical profession would be greatly honored if two basic conditions were met. Firstly; medical profession should be practiced with efficiency and honesty. The prophet Mohammed, peace Be upon him, said; <<Allah likes when anyone does a

work to do it with perfection>>¹. Secondly; The physician should observe good conduct and fine character in both his acts and behavior.

Therefore a physician should perform his job with excellence and perfection, and should be distinguished by all the good qualities that are compatible with the supreme honor bestowed by Allah Almighty upon those who fulfill the needs of people, and who relieve them of sufferings, pains and grieves.

Sources of the profession ethics:

The ethics and morals of professions mainly stem from the teachings of Islam, which call for mobility of character, perfection of performance and fear of Allah in every act. The Prophet Mohammed, peace be upon Him, said; <<I have been sent to call for and complement high moral standards>>². The ethics of professions are also taken from what is known to people as noble character and dominant traditions in the local³ heritage, acquired from other cultures that are not contradictory to the Sharia Islamic law. The morals of professions could also be derived from the results of scientific research⁴ and form the fundamental basis of the profession upon which practice had been based.

Characteristics of the profession ethics in Islam:

Early Moslem physicians had been greatly concerned with the ethics and morals of the profession, and had written on the subject. Some of them had specifically assigned a book for the subject, such as "the physician morals" by Abu baker Mohammed bin Zakariya Al Razi (who died in 313.H.). some included them in their medical books, others had remarkable texts on the subject quoted in its interpretations, such as (choice news on physician classes) by Ahmed bin Al-Qasem bin khalefah known as "Ibin Abi Usaybieah" (who died in the year 668H.). In fact, some jurisprudents (scholars of Islamic Law) had great concern in this respect. Abu Abdullah Mohammed bin Mohammed Al-Maliki, known as "Ibin Al-Haj" (Who died in 737H.). had included physicians morals in his book called (the introductory), which could constitute a brief summary of what is agreed upon as physicians morals in this age; these, in addition to what other Islamic scholars had also written on morals, which constitute a huge heritage not to be found in any other culture.

Morals in Islam have particular characteristics, which make them unique and distinct from those of laws and legislations in other cultures. Of these characteristics are the following:

1- They are of divine source:

Islamic morals are not a human effort or a secular law, but stem from the Divine Law of Creator of the human beings, who knows what could be better or could

1) Narrated by Abu Yaala, al-Baihaqi, and al-Thabarani. It is a fair and witnessed Hadith..

2) Narrated by Imam Malik in (al-Muwatta). It is a fair and witnessed Hadith.

3) Such as that, which for people have in common, and furrowed in receiving of or taking leave from someone.

4) Such as that, which had been indicated by some studies, that the good listening to the patient from the part of the physician had played a fundamental role in obtaining the patient's confidence and trust in his physician.

be worst for them. Some of the morals were primarily established by canonical law of Islam, some others are adopted by people in common; and those for which no explicit provision had been specifically stated by shariah law, fall under the general provisions, and interests that the sharia is keen to preserve.

2- They ate of worship intent:

A Muslim is motivated by the faith to adhere to noble morals and integrity of character. The prophet Mohammed (P.B.U.H.) said <<"the most perfect believers are the ones of best moral">>¹. The physician does not undertake to perform his duties and responsibilities merely to maintain his reputation, or as a sort of propaganda for himself in furtherance of achieving social and materiel success or out of fear from punishment, but mainly and above all, for achieving subjugation and obedience to Allah Almighty, by abiding his legislation and thus obtaining his gratification.

3-They are constant:

A Muslim physician should have sublime morals whenever situations repeatedly arise. His moral should neither change towards the poor or the rich, nor towards the weak or the powerful; his mood neither change while in state of pleasure or anger, nor in state of love or hate, nor should it change while he is present with his patient or absent. The state of the physician should remain constant is that the Muslim physician adorns with noble morals in his obedience to Allah Almighty, and not just for propensity for personal interests or fancies.

The role of ideals:

Theorization in the issue of morals is a confirmation of facts a reminder of values, and setting of guidelines towards the righteous path. But morals are not be conveyed to new generations through theorization as much as through models of ideals, contacts, practical situations and the following of a model of ideals by a latter to a former. Theoretical instructions ate normally forgotten quickly, while what really sticks in minds are the food morals that appear in practical situations. The important role, here, lies upon medical college teachers and every responsible in the medical team to observe that the ethics of the profession be inherited by the coming generations of physicians.

The morals and Character of a Physician

A physician should well realize that this position is at the command of the medical group whose work in the medical field complement one another, and that he in the position of the ideal example for them. Therefore, the physician should adorn to a number of morals, which he should develop within himself and promote amongst those who work with him. Examples of such morals are the following:

1-sincerity and enhanced feeling towards obedience and subjugation to Allah:

The most important characteristic of a physician shall be his sincerity of intent and enhanced feeling forwards the worship, obedience and subjugation to Allah. Allah

1) Narrated by at-Tirmidhi and Abu Dawud with good authentication.

Almighty Has Said: [I have only created jinn and men, that They may serve Me] (Verse 56 of *Surat Az-Zariyat*) (the winds that Scatter). So if Allah Almighty had created all his creatures only to worship him, then worshiping Allah in one's every action and deeds including professional activities becomes the top most priority of duties. The messenger of Allah (Mohammed [P.B.U.H.]) said: <<Actions are but interpreted by intents and that, every man shall be judged in accordance with what he intended>>¹. Therefore, a Muslim physician should devote all his deeds to Allah. He ought to perceive the Glorious Allah's watch over all his conditions and affairs, and that he will be held accountable for every action whether it be a grave sin or a trivial deed.

2- adornment with nobility of character:

a) Truthfulness:

truthfulness is an essential trait of a true believer. The Exalted Allah Has Said: [O ye who believe! Fear Allah and be with those who are truthful] (Verse 119 of *Surat Al-Taubah*). Truthfulness is not to be taken for mere true words, namely speaking the truth, but shall also mean to be truthful in intent and performance of work. Therefore, truthfulness shall include all human relations. It is not appropriate for the one who is supposed to be an ideal and example for others and characterized by knowledge and wisdom, to be accused of lying, not to speak of being known of such vice. Doubtless the physician is amongst community leadership, to whom the one suffering from disease and pain resort, placing all his trust in the truthfulness of the physician, in his work and in his directions or advice. If, for any reason, such trust is shaken, then the whole effort of the physician would be lost and his knowledge would be in vain.

b) honesty and integrity:

The physician is entrusted with people lives, honor and privacy. Therefore, he should be characterized by honesty, and abide by this honesty in the proper manner. Allah, The Exalted describes the believers as: [Those who faithfully observe their trust and their covenants;] (Verse 8 of *Surat Al-Muminun*). Part of this honesty is to keep patients, personal secrets, and he should keep strictly confidential anything, which hw, as physician becomes aware of about the patient.

c) modesty and respect for others:

A physician should always be modest and should not be arrogant. He should not look down upon his patients, nor should he despise or humiliate them. He should respect all patients and their guardians. Such an attitude will result placing him at a position of respect by others. Allah Almighty will bestow him who is humble with superiority and highness. The prophet Mohammed (P.B.U.H) said: <<He who has a tiny particle of arrogance in his heart shall not be admitted into paradisa>>².

d) patience and prudence:

medicine is a hard and exhausting profession, and dealing with different categories of society, needs a great deal of patience and capability of endurance. A

1) Narrated by al-Bukhari and Muslim (and agreed upon).

2) Narrated in the Sahih by Muslem.

physician should be adorned with patience, wisdom and endurance. The patient physician should tolerate patients' behavior, excuse their impatience arising from disease and pain and should not return harm with like act by refraining, for example, from treating a patient who uttered rude words, or by not allowing him his full right for complete medical care.

e) Sympathy and Kindness:

the physician should be amiable and sympathetic towards his patients, and treat them with kindness. He should be courteous and tactful with his patients, and should not say anything that would make them feel weakness nor should he do anything that would let them fall into delusive despair. The successful practitioner is the one who observes his patient's psychological state, resort to methods that would be helpful to eliminate delusions, and who would kindly and precisely inform his patient about the nature of the disease, in a manner that would be appropriate and suitable to the patient's understanding and to his psychological and mental readiness to receive such information.

f) Fairness and moderation:

Moderation is one of the basic principles called for by Islam. Islam directs that neither exaggerated excessiveness, nor negligence should prevail. The Allah Exalted Said: [thus have We made of you An Ummat (nation) justly balanced. that you might be witnesses Over the nations, And the messenger a witness Over yourselves;] (Verse 143 of *Surat Al-Baqarah*). The physician should be just and fair in dealing with his patients; this is because they very often place their full trust in him and reveal all about their affairs due to their need for his advice and service. The physician should not misuse such trust and such need by denying the patient of his right, whether such right be in respect of the kind of medical care appropriate to his case, or in respect of a financial cost which is expensive for the patient, this guardian or his employer.

3) Self-accountability:

the physician is mostly a distinguished personality, whose actions are closely observe. Thus, the mistakes and errors of a physician are generally considered a public affair, and are quickly communicated by people. Hence, a physician should call for self-accountability before others hold him accountable for his mistakes, or before people start communicating each other about his errors. Self-accountability should be in all matters, even those which one considers as slips of tongue and minor or trivial mistakes, such as, even slightly favoring certain individuals at the account of others, or forwarding or postponing (appointments) unjustifiably, or being late in seeing his patients, or talking haphazardly without reservation.

4- Refrain from despicable matters and trivial deeds:

The physician should not indulge into matters despicable by Sharia Islamic law or socially denounced such as tale bearing, backbiting, slander, chattering, joking, much talking and arguing, excessive laughing, and uttering socially disapproved words, especially while he is on duty. The physician must also avoid what is called chivalry-damaging wrongdoings, even if they are not prohibited by Islamic Shariah, such as chewing of chewing-gum, or wearing socially anomalous types of clothes, even if they were acceptable in other countries, or to neglect his appearance.

Physician's Duties towards Patients

The physician must provide the necessary medical care to his patients in an efficient and perfect manner in order to achieve the best benefits to the patient. He must avoid harming him, respect his dignity, and observe his rights within the framework of morals specified by the Sharia (Islamic law), such as:-

I- Good treatment of the patient:

It is the physician's duty under all circumstances to treat the patient in a good and nice manner. This shall include the following:

- 1) The careful hearing of patient's complaint and understanding his suffering.
- 2) To avoid sense of arrogance and superiority, or down look upon, mock or ridicule the patient irrespective of his educational or social status.
- 3) To respect patient's point of view especially in respect of personal matters, but that does not mean to properly direct or advise him.
- 4) Equality of treatment for all patients avoiding distinction in medical care by reason of variation of their literal or social statuses or due to personal feelings against them. To gently conduct medical examination on the patient.
- 5) To gently conduct medical examination on the patient.
- 6) To refrain from commission of violations contrary to Sharia rules or teachings, such as seclusion with female foreigners or patients, or uncovering intimate or private parts or other organs as a pretext of a professional procedure during medical examination.
- 7) To perform or request only the necessary medical or laboratory tests which the patient's condition requires, without requesting any additional unnecessary tests.
- 8) To prescribe only the medicine, or perform the surgical operation which the patient's condition requires.
- 9) To refrain from any such practices that may harm the patient as usage of uncommonly known diagnostic or therapeutic methods, or which are scientifically unrecognized.
- 10) To abide by honesty in informing the patient or his guardian about the actual condition of his disease, the causes of such disease, its complications, and the benefits of diagnostic or therapeutic procedures. Further, to orient them clearly on the suitable diagnostic or therapeutic alternative procedures.
- 11) To refer the patient to the physician specialized in the type of his disease, or to the physician who has more advanced and effective means if the condition of the patient so requires. The physician should not delay the referral, whenever such referral is in the best interest of the patient.
- 12) When referring the patient to another physician, the information which which he believes necessary for the treatment should be provided.
- 13) When a patient wishes to consult another-physician (in respect of the condition of his disease), the physician should not refuse fulfilling such wish, but should rather facilitate furnishing the patient with the necessary medical reports and information for such consultation.
- 14) To realize the fact that the patient is entitled for the right of consulting another physician, and also for the right of obtaining the recorded information in his

medical record or the necessary medical report describing the condition of his disease.

- 15) To continue providing the appropriate medical care for those patients suffering from chronic untreatable, or incurable, or even fatal (terminal) diseases, until the last moments of their lives.
- 16) To make sure that the patient receives the necessary medical care during the absence of the physician.
- 17) (In Emergency Unit) To continuously provide the necessary treatment for emergency cases until necessary emergency medical aid from his part is no longer needed, or until the patient is referred to the care of another specialized physician.
- 18) To the best of his ability, relieve the patient's sufferings using all possible psychological and material, therapeutically effective available means, thereby causing the patient to feel his care and concern.
- 19) To educate the patient about his disease in particular, and about his health condition in general, explaining the appropriate and effective ways by which he could preserve his health and protect himself against diseases. The most important of such explanation is through direct education of the patient, or by using other effective means when available.

II- Obtaining patient's consent:

The Human body and his whole being are among the individual's own personal privacies, that no one should deal with without his explicit consent; and in order that a patient's consent be legally obtained, the following preconditions should be fulfilled:

1. The patient should be completely aware of the intended medical intervention. Therefore, the physician should provide the patient with comprehensive information about medical procedure he is about to do or perform, and about what is required from him to do, and the consequent risks and complications that might occur.
2. The patient should be capable of thoroughly comprehending and understanding the information provided for him, so that he may give his consent voluntarily, with complete content and consciousness and without any deception or pressure.
3. The consent must be given writing in case the physician intends to perform an interventional procedure as in cases of performing surgical operations, or in any other interventional procedure such as liver biopsy.
4. The physician must observe the following matters when obtaining a patient's consent:

a. adult's consent:

Consent should be obtained from the adult and mentally sound patient (whether male or female,) or from his legal guardian or representative – if his consent is not legally recognizable – before any medical or surgical procedure, in accordance with the provisions of the Law and Regulations of Practice of Medicine and Dentistry.

b. Women consent:

an adult mentally sound woman has the right to consent to medical procedures intended to be done on her body, including surgical operations except for procedures

relating to reproduction such as usage of contraceptives, or hysterectomy or any other procedure specifically those leading to infertility. In such cases, where the woman's consent is considered sufficient¹.

c. Consent of a Minor and the legally non-liable person:

The consent of a patient who by reason of unconsciousness is unable give his consent to the performance of surgical operations, or any such similar "interventional" procedure, or whose consent is not legally admissible, such as a minor or an insane person, shall be obtained from his legal guardian. If it were not possible to obtain such consent and the condition would result in grave harm or death, the physician may proceed with the medical procedure immediately. In other less grave cases, the general consent to treatment from either of the patient's parents or from one of his companions whose consent is legally admissible is considered sufficient.

d. Consent in emergency situations:

In cases where a patient is in peril of death or imminent serious harm or death is expected, the physician may perform the necessary medical procedure immediately without waiting for consent if he has reason to believe that saving the life of the patient or prevention of serious harm is an overweighing probability.

III- Reassuring and comforting the patient:

The physician should use his skills to reassure and comfort the patient to relieve his sufferings, following the teachings of Prophet Mohammed (P.B.U.H): who said <<Simplify matters; do not make them hard or difficult. Tell the good tidings; do not convey frightening ones>>² To further reassuring and comforting of the patient, the following should be observed:-

- explore and realize the psychological needs of the patient.
- Provide the patient with sufficient and explicit information about his health condition, and do not conceal any important information that could reassure him and eliminate his worries and fears.
- Interact positively to the patient's feelings and senses and allow him sufficient opportunity to express his perception and emotions towards his disease and the treatment, and then rectify his ideas if wrongly perceived.
- Allow sufficient time to the patient to comprehend all what has been said to him.
- In reasonable words and without exaggeration, remind the patient that Disease is an affliction of Allah Almighty, and that in Disease there lies mercy and expiation from sins.
- Reassure the patient that you are ready, as a physician, to help and support him, and practically reflect such intention at all stages of the disease, even in conditions of incurable diseases.

1) See the Decision of the Supreme Council of Ulama (Sharia Scholars): Decision No:173.

2) Narrated by al-Bukhari and Muslim.

Supplication to Allah for the patient:

The physician should model after the noble prophetic morals. He should faithfully pray to Allah for the recovery of his patient. It is well known that such supplication strengthens the endurance of the patient against the disease and brings about comfort. It was narrated about the Guidance of the Prophet (P.B.U.H) that when he visits a patient, he used to wipe with his right hand upon the patient's body, and say: <<OH, Allah, Lord of all people, Eliminate the sufferings and Bring about recovery! You are the One Who Cause Recovery! There is no recovery but yours! A Recovery leaves behind no sickness>>¹. Peace and prayers of Allah Be Upon Him in His teachings also said: << He who visits a patient whose moment of death has not yet come, and says seven times: "I pray Allah the Great, Lord of the Supreme Throne to Heal you" Allah Shall Save the patient and heal his disease>>².

Breaking the (bad) news about serious diseases:

There is no contradiction between reassuring the patient and informing him about his disease, even if it were a serious and fatal one. The patient generally has the right to know about his health condition, about the nature of his disease, and about its symptoms and complications. In addition, if the patient requested further details about the disease, his request should be fulfilled. However, the physician is to apply his own humane judgment as to the benefit of informing the patient, and the kind of information he should reveal to him, observing the following considerations:

1. Avoid the sudden breaking of bad news, instead inform the patient gradually after psychologically preparing him to receive, and accept the bad news.
2. Limit the information to the extent that suffice to orient the patient and make him understand his health condition, without discussing further details that might add to his worries and fears. It is preferable to reveal the kind of information, which he could comprehend, judged in respect of such condition, which he experiences at the time.
3. Choose the right time for informing the patient. It is preferable to reveal the information when the patient's condition is both physically and psychologically stable, and he is well prepared to receive and accept such information. It is also preferable to break such news in the presence of one of his relatives for whom he bears respect and trust. Such procedure could facilitate the situation for the physician to break such bad news. This should preferably be done at the right time and place.
4. Allow ample time for breaking the news to the patient. The physician should convey the information while he himself is in a state of self-tranquility, and should not cause the patient to feel that he is in a hurry or that he is busy.
5. Focus on the positive aspects (of the patient's disease and health condition), as this will result in arousing hope in the patient's psychology. Exemplify-in such act-the saying of the Messenger Mohammed's (P.B.U.H): <<Simplify matters; do not make them hard or difficult. Tell the good tidings; do not convey frightening ones>>³. For example, the physician may mention the percentage

1) Narrated by al-Bukhari and Muslim.

2) Narrated by Abu Dawud a good chain of authorities.

3) Narrated by al-Bukhari and Muslim.

- of those patients who survived after suffering from the same disease but it is advisable not to state the length of the period (they had lived thereafter).
6. the physician should try, as much as possible, to relieve the patient's somatic and psychological sufferings. He should not isolate the patient or stay away from him in a manner, which might cause him feel that the physician has given up hope of his condition. It is appropriate, if that were the case, i.e. the patient's condition was hopeless, that an experienced and learned physician in the type of the patient's disease should inform the patient about his condition. Nevertheless, the treating physician is normally the one who should inform the patient about the nature of his disease and not junior or less experienced physicians.
 7. The physician is to apply his own humane judgment as to the benefit of informing the patient with partial truth about his disease, or confine the informing the patient's relatives if he deems such as appropriate and in the patient's interest.

IV. Keeping the patient's secret strictly confidential:

Islam has emphasized the importance of keeping the secret and protecting the Muslim, particularly if such secret does not lead to probable corruption in the society. Getting to know the patient's secrets by the physician does not give him the right to reveal such secrets nor does it give him the right to talk about them in a manner that would lead to their disclosure, except in the following exceptional situations:

1. If the disclosure made to the patient's relatives, to others would be beneficial for the treatment of the patient, or would protect others in contact from contracting the disease (as in cases of contagious diseases or drug addiction). In this case, disclosure of the secret shall be confined to those who might be affected.
2. If disclosure of the secret would result in a probable interest to the society or repel a corruption. Such disclosure must be reported to the official authorities concerned. Examples are:
 - When reporting a case of death resulting from a criminal offence, or to prevent the commission of a crime.
 - When reporting communicable or contagious diseases.
 - When a judicial authority or a judicial department requests the physician to make such disclosure.
 - Disclosure made in defense against an accusation raised by the patient or the patient's relatives against the physician relating to his efficiency or the manner in which he practices his profession, provided that such disclosure shall be made in the presence of the official authorities.

3. disclosure of secrets for educational purposes:

- § The physician may reveal some of the patient's secrets if they were necessary for educating physicians or other medical team members, if such disclosure shall only be made for educational purposes, maintaining non-disclosure of any indication as to name, identity or character of the patient unless it is necessary so to do.
- § The physician may take, after obtaining the patient's consent, photographs of some of the patient's body for medical or educational purposes, if there will be no indication in such photographs to the patient's personality or that they

would disclose his identity. If there was a need to take a photo of the patient's face for educational purposes, his written approval should first be obtained, and provided that when taking the photograph, the eyes should be masked, unless exposure there of was for absolute scientific necessity.

V. Abiding by Sharia Sanctions relating to exposure of private parts (genitalia):

A physician may need, for diagnosing and subsequently treating the disease, to have the patient's private organs exposed. So also may other members of the medical team workers who help the physician in performing certain medical procedures such as radiology technicians or others, need to have the patient's private parts exposed.

The basic rule of Sharia Islamic law prohibits exposure of private parts except in necessary situations or when such exposure is absolutely needed. Therefore, there would be no violation or embarrassment against the Muslim in exposing what necessity imposed its exposure for the purpose of examination of a disease or for diagnosis of such disease (whether the Muslim be a male or female). So, there would be no violation or harm against the physician, or against any person who assists him in the medical examination, to expose the patient's private parts and examine the position where examination is needed.

This sanction is based on the principle of necessity and need, and hence, the existence of necessity and need must be ascertained. Therefore, the Physician is not allowed to demand the exposure of the patient's private organs unless there was no other means by which he could realize conducting the medical examination of the patient without having to expose his genitals. Furthermore, it is not permissible for male physicians to examine women and vice versa, unless there is no physician of the similar sex to perform the required task.

However, the limit for this sanction's permissibility is to confine to the extent that would suffice fulfillment of the necessity, and by no means exceed such limit. Furthermore, to confine exposure of private organs within the limits of the estimated time required for the examination or treatment without prolonging the time whatsoever, abiding by the Shariah legal rule stating that: ((what is considered permissible for necessity is assessed according to the extent or amount of such necessity)). So the physician has to decide in precise assessment the extent of need for exposing the patient's private parts or organs.

VI. Patient's rejection to treatment:

In case a patient refuses the treatment, the physician must thoroughly explain in reasonable wording and without exaggeration, the consequences resulting from not receiving the treatment, and the complications that may result from progression of the disease. The physician should also cause the patient to record a written attestation of his rejection to treatment, so that the physician will be free of any legal liability.

In all cases, the physician should make sure that the patient who refuses the treatment is still in a condition of being aware of his intention, the physician should take the necessary measures to protect the patient and observe what could be in his interest.

VII. Refusal to treat a patient:

The physician may in non-emergency cases refuse to treat a patient for personal or professional reasons which might infringe the quality of the service rendered to the patient, provided that such refusal should not cause harm to the patient's health, and that there is another physician who could perform the treatment of the patient.

Physician's duties towards the Society

The physician enjoys a high standard of trust in the community; that is why the society has granted the physician a special social status not allowed to other members of the society. The society expects in exchange to this status that the physician would make use of such trust to serve the patients devoutly, and that he would abide by high standards of noble morals in all his actions. The physician should contribute to the service of the society through his profession, employing all his capabilities for public interest. This can be realized by the following:

1. The physician should be as an ideal (example) in his attitude in religion and in his lifestyle to other members of the community, and should distance himself from situations that arouse suspicions¹. The Prophet Mohammed (P.B.U.H) said: <<Religion is advice- rendered from Allah, His Holy Book, and His Messenger, from Muslims Imams, and the Public in general>>². The social status of the physician prepares him for assuming a leading role of reformation in his society. A physician who lacks moral values in his own life will never be able to pretend having such moral values in his professional activity, notwithstanding the highest academic qualifications that he might have possessed. The Physician is an active member of the society, interacting with his society's local and general issues. He should not live in an ivory tower distancing himself from his society's problems and issues.
2. To recognize that the society and environment are important affecting factors to the health of the individual. He should assist the society in dealing with the social and environmental causes and pathogens of disease.
3. To practice the medical profession with the highest standard of knowledge, competence, truthfulness, honesty and orient himself with novelty and recent advancement in the field of his specialty.
4. To realize his full responsibility for the promotion of equality among the members of the society in getting benefits from health resources.
5. To realize his responsibility for the maintenance of health resources and the ideal utilization of such resources. He should avoid performance of unnecessary medical examinations, prescriptions or dispensing of medications, unnecessary consultations, or the performance of unnecessary medical procedures according to the patient's condition.
6. To exert a hard effort in using his skills, knowledge and expertise to improve the standards and quality of health services rendered to the society, at his workplace in particular, and the health sector in general.

1) Such as the protest of many members of society against the behavior of certain physicians in an attempt to justify their smoking habit.

2) Narrated by Muslim.

7. To realize his role in developing health policies by individually expressing constructive views or through professional associations. The physician, particularly the one in a leading position, should participate effectively and positively in the enactment of laws and regulations and the setting of health policies.
8. To care for the health of the society by performing the appropriate health education in the location of his position, adopting or participating in preventive and environmental protection programs.
9. To consider co-ordination with the media in providing the society with the appropriate health information.
10. When presenting scientific information to the society, the physician should realize his role in reflecting the professionally approved and accepted opinions. He should explain to the audience concerned whether he is presenting his own views or ideas contrary to the professionally acceptable opinions.
11. To participate as much as he can, in studying health problems at the society's level and suggest propose the appropriate solutions for such problems, such as the problems of smoking, narcotic drug abuse, road accidents, and contagious diseases, etc.
12. To participate in research work and medical surveys and statistics that is beneficial to the society.
13. To undertake cooperation with the authorities concerned in performing their duties in respect of health maintenance by reporting infectious and epidemic diseases, and maintaining society's security by reporting criminal accidents.
14. Testimonies of physicians, particularly specialists or experts, may be essential for the judiciary for the purpose of understanding the physician must present a true, honest and impartial interpretation of medical facts. In case of presenting evidences to the judicial authorities, the physician should be aware of his responsibility to assist the judiciary in reaching and furthering Right and Justice.
15. To refrain from the commission of any practices that would harm the society, and should reject participation in any activities in violation of the basics of human rights in (Sharia) Islamic law, or support such violations.
16. The physician is not, under any circumstances whatsoever, permitted to allow himself to be used as a tool for weakening any human physical or mental ability or resistance; nor should he overlook, encourage or participate in any torture practices, or in any procedure involving humiliation to any of the members of the society regardless of the crime for which such individual has been suspected, accused or condemned. The physician should not participate in the implementation of any punishment unless decided by (Sharia) Islamic law and by virtue of a sentence of the Judiciary.
17. The physician should be truthful, and honest when issuing any certificate or documents, such as attendance certificates, sick leaves, etc. the physician must not be affected by propensity towards relations of kinship, friendship, wish or intimidation, to state a medical report contrary to the truth. He knows, for example, that the absence of an employee without lawfully permissible reason or excuse affects and hampers the society's interests.

Physician's Duties towards his Colleagues

The physician's relation towards his colleagues of different specialties should be founded on goodwill, friendliness and respect. Physicians of various specializations are jointly responsible for the care of society's health. One team is concerned with preventive health measures; another one concerned with the medical treatment services. The physician should be an ideal example of sociability, cooperation and support to his colleagues for the sake of the patient's interest. However, to fulfill these duties, the physician should observe the following:

1. To deal with, and act towards his colleagues in a good manner and in the same way he would prefer to be treated.
2. Not to indulge in defaming the honor of his colleagues, or in tale bearing and tracking their defects.
3. To avoid direct criticism to his colleague in front of patients.
4. To avoid direct criticism to his colleague in front of patients, especially when such criticism is intended for distracting people away from the colleague or for sheer deplorable envy. The honest, methodic, and scientific criticism should also not be made in front of patients, but in scientific gatherings, medical conferences and scientific journals.
5. To exert every possible effort to educate physicians who work within his medical team, or those are under training. He should be keen in allowing them to benefit from the skills, knowledge, and experience which he possesses, and should avail the opportunity for them to learn and improve their skills. This may require gradually entrusting them with the care of a patient, and in such circumstances, the physician shall remain responsible for making sure that the patient receives comprehensive care, and remain under obligation for adequate supervision.
6. The physician shall abide by the legal Islamic regulations when dealing with his profession colleagues, such as avoiding seclusion with a female foreigner.
7. The physician should not feel offended or embarrassed in stopping at the limits of his abilities, and at what he can at best perform and seek the assistance of his profession colleagues when necessary.
8. The physician should be prepared to conduct peer review to the performance of his fellow colleague or colleagues and should accept the same procedure on him. The professional or personal relation should positively or negatively not affect the result of the evaluation.
9. If the physician came to know anything about the performance of one of his colleagues that might affect the safe medical practice of that colleague or had probable reason to believe that harm had been caused to the patient from such practice, he must report the incidence to the authority concerned to look into the case and take the appropriate decision.
10. If the physician is called to examine a patient under the treatment and care of another colleague, the physician should abide by following principles:
 - If the treating physician has made the call, he must respond to the consultation request, even if he does not find any justification for it.
 - The physician should be careful not to utter any word or make any hint or gesture that might be interpreted or understood as undermining the attending physician's ability, bears humiliation to him, or ignores the effort he had done

towards the treatment of the patient. Such situations might so often occur, when his opinion differs from that of the treating or attending physician.

- To reassure the patient, reduce his worries, and apply wisdom in specifying what the patient should know from him personally, and what should be left to the attending physician.
 - If the consultation request has been made by the patient or by his relatives, the consulted physician must make sure that the attending physician had taken cognizance of this fact, before agreeing to the consultation request for examining the patient. It is not appropriate to look into the patient's medical record except after the permission of the attending physician.
 - If the patient intends to dispense of the first physician, he must make sure of informing the first physician of that intention.
 - The attending physician has the right, when necessary, to consult another colleague in the same field of his specialty or in other field, when the first consultant had completed forming his opinions and his recommendation.
11. It is advisable when the physician should not received charges for treating his colleagues or their dependents, unless paid by a third party.
 12. The physician should respect other non-physician medical profession colleagues, appreciate their role in the treatment and care of the patient, and his relation to them should be based on mutual trust and co-operation in furtherance of serving the interest of the patients. He should exert great efforts in educating and directing them, and make sure that they comply with the profession principles and ethics.

Physician's Duties towards Himself

By the same token, that the physician has the duties and morals, which he is bound to perform towards others, he also has duties which he should fulfill towards himself by observing the following:

1. the physician should assume the duty to refining himself. The messenger of Allah (Mohammed [P.B.U.H]) said: (There in the body is but one organism, if it was righteous and healthy, the entire body shall be righteous and healthy, but if it were corrupted, the body will be corrupt. It is but the heart!) ¹. The Sharia Islamic provisions states that a man is responsible for his all his actions, behaviors and deeds, and all what is related to his senses and body organs. This indicates that he possesses control over his actions and behavior, and that he has the ability to harness the sorts of his unruly behaviors. Allah, The Exalted Said: [every soul will be (held) in pledge for its deeds,] (Verse 38 of *Surat Al Muddaththir*), and he has said: [Truly he succeeds who purifies it, And he fails That corrupts it!] (Verses 9-10 of *Surat Ash-Shams*:). These verses and other ones indicate that human will has a great role in refinement of his behavior, nature and character. Allah has promised to assist everyone who endeavors to harness his own self and direct it in the Divine course (path) descended from Allah to His Messenger (Mohammed [P.B.U.H]). Allah, The Exalted Said: [And those who strive In Our (Cause),- We will Certainly guide

1) Narrated by al-Bukhari.

them To Our Paths: For verily Allah Is with those Who do right]. (Verse 69 of *Surat Al-Ankabut*). Here, the struggle, endeavor or strive (i.e. Jihad) is to be understood as man struggle (Jihad) against one's own self. The Messenger of Allah (Mohammed [P.B.U.H]) has summarized aspects of refining and training oneself in the most talented and eloquent wording when he said: (Education (knowledge) is but through learning, discernment (or wisdom) is through patience, and he who seeks good, will be given to him, and he who avoids evil, will be protected against evil)¹.

Examples of physician self-refinement could be as follows:

Firstly: The physician should train himself on contentment with what Allah has predetermined and bestowed upon him for living (livelihood). He should contend with that which is lawfully allowed to him for livelihood, and should not seek to collect money regardless of its sources, or without performing the equivalent worth thereof to the sources of such money.

Secondly: He should control and harness his tongue, so as not speak except of good, or otherwise keep silent. The Messenger Mohammed (P.B.U.H) said: <<He who believes in Allah and the day of resurrection (the Day of judgment) Shall but speak of good or otherwise should keep silent>>². It is known that much of the talking is most commonly against people and their honors, or it might be about something that would cause corruption to one's religion without realizing or being aware of the fact.

Thirdly: He should urge himself to exert efforts to learn and seek knowledge and work perfection. It may be a fact that such is burdensome to none self except for one whom Allah bestows success upon him.

2. Among the physician's duties towards himself is to take to strong determination in performing what Allah has imposed upon him. He should be keen and under no circumstances allow for his work to be a hindrance to the performance of the religious duties imposed by Allah upon Muslims, moreover not to take advantage of the duties imposed upon him by virtue of his profession as a pretext of totally abandoning such Divine precepts. He should always remember the words of Allah: [That man can have nothing But what he strives for; That (the fruit of) his striving Will soon come in sight; Then will he be rewarded With a reward complete] (Verses 39-41 of *Surat An Najm*). On the hand, the physician must not neglect responding to emergency cases taking advantage of the fulfillment of Divine precept as a pretext for not responding.
3. The physician should always keep in mind the good intent and sincerity towards Allah in practicing his profession, so that Allah Almighty would reward him for each effort he had exerted. There should be intention in performing all tasks. The messenger of Allah (Mohammed [P.B.U.H]) said: <<Actions are but interpreted by intents and that what shall judge every man are his intentions>>³. Sincerity to Allah is obligatory and essential. Allah Almighty Said: [And they have been commanded No more than this: To worship Allah, Offering Him sincere devotion, Being True (in faith); To establish regular Prayer; And to give Zakat; And the is the Religion Right and

1) Narrated by al-Daraqutni and al-Kateeb, and is considered as a good Hadith.

2) Narrated by al-Bukhari and Muslim.

3) It is part of a Hadith narrated by al-Bukhari and Muslim.

Straight] (Verse 5 of Surat Al-Baiyina). The Muslim physician comes nearer or close to Allah by rendering benevolence and kindness to patients.

4. He should care for his appearance by being tidy in no excessiveness. He should care that his uniform looks nice and he should scent good smelling. The Prophet Peace Be upon Him said: <<Allah is Beautiful. He loves Beauty>>¹. Doubtless, neglecting this aspect would negatively affect the relation of the physician with his patients and his profession colleagues.
5. As mentioned earlier, the society places the physician in a special social status; so in exchange, the society expects that the physician would strictly abide by high standards of morals in his actions and behavior. Therefore, the physician must adhere to general standards of morals, and must distance himself from situations of suspicions. He must also respect the general laws and regulations approved by the different government institutions, and thus avoid being accountable for any violations, which might affect his own reputation and that of his profession.
6. He should not cease to seek knowledge through continuous studying and reading, or by attending national and international courses, seminars and conferences. The physician should realize the importance of self-education for developing information, knowledge, and skills, and should be aware of his responsibility to improve himself, and not to expect others to perform this task.
7. Should take into consideration joining the membership of scientific societies in the field of his specialty, as this would avail a good opportunity for his continuous scientific contacts in his specialization.
8. To act earnestly and diligently in all matters whether they would be of benefit to himself, to his patient, to his profession, to his work place or to the society.
9. To take good care of his physical and psychological health, as these are the most valuable assets that a man should maintain, and because they have a crucial impact on the quality of services he would render to his patient's on his career and his society.
10. He should protect himself against potential dangers during his professional practices, and should not neglect taking all necessary precautions that would prevent or reduce such risks. He should avoid risking the performance of any such procedure that would expose him to probable risks, and should realize that his health is an important investment for society that should be preserved and protected.
11. The physician must take cognizance of special laws and rules, which regulate his profession, and should abide by such laws, and obtain necessary licenses for practicing his profession.
12. He should request the assistance of his profession's more experienced and efficient colleagues for solving problems that may negatively affect the service, which he renders to his patients, to his society, or to his career.
13. The trainee physician must realize that he is responsible for taking care of the patient within the specific limits of care-tasks assigned to him. He is required to abide by the limits of his abilities, and by what he could actually be able to perform. Therefore, he is bound to request the assistance and supervision of those who possess more knowledge and experience, whenever such assistance or supervision is necessary.

1) Narrated by Muslim.

Physician's Duties towards his Profession

The physician must protect the honor and integrity of the medical profession by adopting the following:

1. To maintain the honor of the profession Through paying special care to his personal conduct, personal appearance and by sincere devotion and dedication to the medical profession.
2. To avoid any action or word that could lead to contempt of the medical profession or to the undermining of the important role of physicians.
3. To contribute in the scientific and practical development of the profession through research and study works, essays, and through continuous learning.
4. The physician should not take advantage of his profession position for obtaining any material or moral gains, which are not in conformity with or violate the laws and tradition.
5. To follow appropriate standards of personal behavior in the course of performing professional or any other activities. This could be achieved by abstinence from dishonest conduct, violent behaviors, and alcohol or drug abuse. He should also distance himself from suspicious situations that would defame his reputation as a Muslim in the First place before being a physician.
6. To observe and maintain the standards of medical profession, and to work hard towards upgrading such standards in all his professional activities.
7. To take the appropriate procedure when he comes to know that one of the members of the health team is sick, ignorant or negligent of his duties; in furtherance of protecting the patient in the first place and the medical profession next.
8. The physician should refrain, when dealing with the patient, from any act or conduct that would informing his honesty and integrity. He should not to lose the patient's trust by using cheating or deceptive methods, or by establishing abnormal relations with the patient methods, or by establishing abnormal relations with the patient or with one of the members of his family, or by acquitting material gain through illegal methods or through anything that might offend the medical profession.
9. To avoid making hurried decisions to perform medical procedure characterized by great risks if he is not sure of its necessity, and that its benefits exceed the risks.
10. To avoid seeking fame at the expense of the profession ethics and principles.

Documentation and Authentication

The authentication of information and attestation of its authenticity is among the main tasks of the physician. He must pay utmost care and attention to these aspects due to its paramount importance. The physician must carefully and accurately document every procedure adopted towards the treatment Oof the patient in the specified medical records; and must seek precision when issuing medical reports. He should only write factual occurrences in reports without propensity to exaggeration, omission or neglect. In fact, the physician should be truthful and honest when issuing any certificate or document. Relations of kinship or intimacy, nor desire or fear should neither influence the physician, to state a false medical report.

The medical record:

- § The physician or the institution where he works shall keep distinct and accurate medical records of the patients that contain the proper clinical results, adopted decisions and procedures, particularities of doses of medicine given to the patient and any other prescription or medications prescribed for the patient. They should also contain all laboratory or other tests relating to the patient.
- § The medical record shall be kept in a safe place; and that no person, other than those professionally connected with the patients care and treatment, is allowed to take or look into the medical record. The same professional confidentiality procedures shall apply to all the contents of the medical record.
- § The contents of the medical record are considered as a possession of the health-care facility where the patient is under treatment. However, the patient has the right to look into and have a copy of his medical record.
- § In case of referring a patient to another physician, the attending physician must accurately and precisely provide the other physician with all the necessary information about the patients condition.
- § The commonly recognized scientific and administrative principles must be followed when writing data and information in a document, and signature and date should be endorsed in every document relating to medical record. In case of any change or amendment made on the document, the date of change together with the signature must be written. It is preferable that the change to any document be made in a separate page or sheet.

Medical certificates and reports:

Physicians are entitled with the authority of signature to a variety of different kinds of documents which could result in serious consequences if misused, such as death certificate, medical reports, sick-leaves, and patient's attendance certificates, etc. Therefore, physicians should be careful to make sure, before signing any document, that the data contained in the document are true. He must not sign any document, that he had reason to believe to be counterfeited, false, and invalid or misleading. He should follow the commonly recognized scientific and administrative principles in writing the data in a document.

The medical prescription:

- § It is not permissible to prescribe controlled medications except by authorized physicians, and restrictions concerning such medicines should be strictly observed.
- § A physician shall not presumably prescribe a medicine for the sake of pleasing or fulfilling the wish kof a patient or his relatives.
- § The prescription should be clearly written, bear the attending physician's name signature, and department; the patient's history, data, and diagnosis, and data. The physician should specify in the perception the drug concentration, pharmaceutical compound, daily dose, and duration of treatment. All such information shall be registered in the patient's medical record.

Commercial and financial aspects

With the increased growth of the private in the field of providing health services, the general trend towards privatization, the implementation of health insurance and the spread of health insurance corporations, physicians have become effective participants in the commercial medical activities for the purpose of realizing profit by one way or another. This could be followed by commercial competition, which may result in practices contrary to the honor of the medical profession. A great deal of attention should be paid to the moral principles that would keep the medical profession beyond any exploitation, greed, extortion or cheating in any possible manner. A physician should consider the aspiration for earning money as his main goal, which could only result in violation of the sublime objectives. The law of practice of medicine and dentistry include the financial matters, declaration, and the related penalties to which physicians must abide.

Furthermore, the physician or medical institutions shall observe the following:

Physician's charges:

- § The physician may, against the medical examination and treatment of a patient, obtain fair charges, which shall be the equivalent to the wage as regulated by the responsible authority; and when not so regulated, then the charges shall be in accordance with the prevailing norms.
- § It is not permissible to obtain excessive charges, and take advantage of the patient's condition for material or moral gain.
- § It is not permissible to practice pressure upon the patient to pay additional sums of money other than the prescribe charges or in order to obtain other benefits kin any manner whether directly or indirectly, and whether to the physician or someone else.
- § It is not permissible to subject the patient to further medical examinations, tests or any other medical procedures for increasing the charges, and without evident medical justification.
- § It is prohibited to take or give financial commissions or other benefits when the physician refers his patients to another party, or when patients are referred to him from other parties, or for the prescription of drugs, etc. if the physician has a financial relation with the party to which he is referring his patterns, he must declare this to the patient or to his relatives.
- § If the physician has financial or commercial interests with the parties or institutions providing health care or with any pharmaceutical or medical equipment company, such interests must not affect the prescriptions he issues or the system of referrals. However, he should inform the patient in all cases.

Working for the private sector:

- § The physician shall strictly abide, when he works for the private sector, by the financial and administrative laws and regulations of the health care institution, which he works for and to those, which are issued by the official authorities.
- § If the law permits that a physician may work in the private sector in addition to his job with the government, the following shall be observed:

0. His work in the private sector should not affect his official work with the government. He should dedicate his full effort to the duties, which his original position deserves.
0. He should not take advantage of his official job as a source or means for attracting patients to his private work or clinic.
 - § The physician should disclose to the official body where he works, any financial or commercial relation he or his family has with the party supplying materials or medical equipment or performing constructions or having any other financial transactions with his employer.
 - § The physician shall, under no circumstances, give priority to his own personal interest, whether it be financial or social, above that of the patient. Subsequently, it is not permissible for the physician to base his decisions, for instance, in admitting a patient to hospital, or performing any medical procedure of dispensing medicine, or performing diagnostic or intervention procedures, on the sole purpose of financial profit without considering the actual need of the patient.

Advertisement :

- § All physician practicing medicine privately or for private health care institutions must abide by the procedures of advertisement approved by the official authorities.
- § When a physician advertises about his person, his activity or his clinic, the advertisement must be clear and not misleading to the public or leading to exposing them to any danger whatsoever. The advertisement should not be in a repeated manner that is places the recipients under pressure whether he himself has made the advertisement or he authorized another party to make it.
- § The physician shall not claim for himself or his clinic skills in health care, diagnostic or therapeutic services for which he is not qualified or which is not legally licensed to practice.
- § The physician must not take advantage of the patient's ignorance of medical information, nor must he mislead them by claiming the ability to perform therapeutic or diagnostic procedures, which he are not supported by scientific evidence. The physician should not offer guarantees for ability to heal certain diseases.
- § The advertisement material must include only the true information and must be free of any statement expressing insinuations of superiority over others, or degrading them in any manner.
- § Physicians and specialists in the private sector nay inform their profession colleagues and other institutions about the services they can offer and type of practice they engaged in.
- § The physician may include his name, qualifications and contact address in any local or national directory or similar printed material. He may also publish the proof of his membership to the various physician's associations.
- § Physicians working in health institutions or specialized clinics should avoid advertising about the services offered by their private health institutions while using the media, or writing medical essays, or writing in medical bulletins and publications, etc.

Presents, donations and loans:

- § It is not permissible for a physician, whether he works for the public or private sector, to receive or offer bribes. He is also not permitted to accept the presents, loans or equipment offered with the intention of influencing his decisions.
- § It is not permissible for the physician to accept valuable personal presents or cash money offered by companies whatever the justifications might be for such act.
- § The physician may receive simple presents such as pens or the like, or certain medical books and magazines. Nevertheless, if the physician felt that such presents would affect his attitude in respect of medical prescriptions, he should not accept them. The prophet Mohammed, peace be upon him, side <<sin is what weaves or plans in your mind (conscience), and which you dislike people to know about it>>¹. Therefore, the physician should never accept such presents if they were, for example, in connection with the number of prescriptions he has to prescribe or the number of equipment he recommends for the candidates.
- § It is permissible for physicians to accept scholarships and financial support for attending training courses or academic seminars, if the employer or the institutions where they work shall carry out the selection of candidates.
- § The physician is neither permitted to accept subsidies offered by companies as a compensation for travel, accommodation and meal expenses when attending seminars and conferences, nor as compensation for the time for attending the training. However, ordinary hospitality meals served during conferences are permissible.
- § The lecturers in seminars and conferences, and consultants presenting actual services may accept an appropriate and reasonable compensation against travel and accommodation expenses, and may accept honorary presents in reward of their services.

Relation with Pharmaceutical industry and medical equipment companies

Pharmaceutical industry and medical equipment companies contribute with an enormous effort in developing the field of medical practice by manufacturing medicine and modern medical equipment. They also contribute in financing scientific gatherings, and continuous medical education activities. The physician cannot dispense of establishing relations with these companies. In order that such relation would be free of any flaw which, may change or configure it from its scope of professional relation to other circles of personal interests. The physician must observe the following controls:

- He should not favor or be bias for the medicine or medical equipment of a particular company without evident justification such as the quality of the product, or its cheap price compared with similar products in quality, or for its non-availability at the time when the patient was in need of such medicine or equipment.

1) Narrated by Muslim.

- He should avoid favoring or being bias for the medicine or equipment of a particular company because it has financed some of the scientific activities in the health care institution where he works.
- The therapeutic, prophylactic or diagnostic prescriptions (whether they be medicines or equipment) must be based on the actual need of patients and for medical considerations only, and not because of any relation between the physician and the manufacturing company.
- Financing scientific activities could only be permissible when it is related to what serves medical knowledge and patients without being bias to the financing company. The financing company shall have no role in the scientific program of the activity; however, the company may advertise for its products in a joint exhibition with other companies.

Conducting Biomedical Research

Biomedical researches contribute greatly to the advancement of medical sciences. The physician may need to conduct medical researches or participate therein. When the physician conducts any such research, the following controls must be observed:

The physician must abide by honesty in preserving the participant researchers' rights or writing, publication and distribution, by including their names when publishing the researches, or in preserving their financial right when agreed upon financial remuneration in exchange for their contribution. He should also not ignore or neglect the right of the supporting bodies to the research by endorsing acknowledgement and gratitude and by displaying their support.

Conducting Biomedical Research on Humans:

In conducting biomedical research on humans, the researcher physician must observe the following:

- 1- The objectives and methods of the scientific research must be in conformity with the provisions of Shariah Islamic sanctions.
- 2- The objectives of the scientific research must be of great significance in evidently enriching the medical knowledge.
- 3- The Researcher must follow the fundamental rules of scientific research, and the scientific research must be in conformity with the scientifically and morally approve principles, such as Helsinki declaration and others. Certain provisions of these principles state that the researcher must make sure of the possibility of conducting the research on human being.
- 4- The desired or expected benefits of the scientific research should outweigh the potential harms expected to occur to the patient, and the research must be based on convincing scientific justifications allowing for its conduction.
- 5- The researcher must be qualified for performing the medical research as well as being well informed about the scientific material on the subject of the research to be conducted.
- 6- The researcher must respect the rights of patients upon whom the research will be conducted, and they must be treated humanely without undermining their status or their rights.

- 7- The medical research must be conducted on a human being upon his full consent, and the following procedure must be observed:
 - The physician must explain all the details relating to the scientific research and the potential harms that might occur so that the patient will be completely aware of the facts when he gives his consent.
 - The person consenting to the conduction of medical researches must be of complete legal liability i.e. an adult person and mentally sound. Conducting researches on a minor imposes obtaining prior consent from his guardian.
 - The consent shall be given in writing for researches involving interventional procedures.
 - It shall never be permissible to obtain the consent for conducting the research by means of practicing any pressure, coercion, or exploitation of need for money or medical treatment.
- 8- When requesting the conduction of medical research on a person for the first time – as in the case of surgical operations or interventional procedures¹.
- 9- The researcher must abide by the laws for the time being in force and by those enacted to regulate conducting medical researches in the kingdom of Saudi Arabia.
- 10- The researcher must obtain permission from the official bodies concerned with medical research or from the health sector where he works or from the institutions where he would conduct the research, such as committees on Medical profession Ethics in health institutions and medical departments concerned.

Conducting Research and Experiments on animals:

Islam commands kindness and mercy towards animals. It was narrated as authentic, that the Prophet Mohammed, Peace and Blessings of Allah upon him had said: <<A woman was condemned into Hell because of (cruelty) to a cat. She locked the cat; neither did she feed it nor release it to eat crumbs or it might find on the ground, to survive>>².

The Prophet Mohammed, peace and blessing of Allah upon him, has commanded to abide by benevolence in any dealing. P.B.U.H. said: <<"if you have to kill you should kill proficiently; and when you slaughter (an animal), you should perform the slaughter skillfully; the one who is to do it must sharpen the blade (of his knife), and thus not torment the sacrificed or slaughtered (animal)>>³

In view of this perspective, conducting experiments on animal should only be done to achieve the following:

- 1- What it must be for an important objective that would contribute to advancement in the field of medicine.

1) The interventional procedures: means any investigational procedure for the purpose of changing the patients condition, or a subject upon whom a research is conducted, and then the effects of such change.

2) Narrated by al-Bukhari and Muslim.

3) Narrated by Muslim.

- 2- That the experiment animal must not be tormented; and when conducting experiments, to avoid as much as possible, subjecting conducting experiments, to avoid as much as possible, subjecting the animal to suffering.
- 3- That the aim of the experiment must not sheer frivolous play.
- 4- That permission to perform experiments on animals must be obtained from the authorities concerned or the responsible authorities in the sector where the researcher works.

Controls for accepting grants for scientific research:

The physician may accept financial support for medical researches, which he intends to conduct within the following controls:

- 1- That acceptance of such grants should not be conditioned by any term in violation to the abovementioned controls of scientific research.
- 2- That the research must be conducted in a proper scientific method, and that the body granting the financial support, whosoever it might be, shall have no right to interfere in the research findings or the method by which it is conducted.

Controls for performance of unprecedented interventional operations:

In case of conducting experimental unprecedented interventional operations on humans, the physician must abide by the above-mentioned scientific research controls, and he must observe the following controls:

- He must be sure and confident of his ability and the ability of his work team for performing the operation in terms of technical requirements, being aware of the possible complications that might ensue and being able to deal with such complications.
- He must first make sure of the success of the interventional operation on experiment animals before conducting such operation on humans except in very special cases where resort shall be made to experts and specialists, and after being approved by committees of the medical research ethics in health institutions.
- The procedures must be performed in hospital where the required medical specializations, sufficient capabilities and expertise for conducting similar operations are available.

Contagious Diseases

- 1- The physician must assist the authorities concerned in the performance of their duties towards the preservation of public regulations of such authorities.
- 2- The physician must inform the authorities concerned of the patients suffering from infectious diseases who refuse to receive treatment when there is risk of spreading such diseases to the people in contact with them or to the society.
- 3- The physician must take all necessary preventive procedures to protect himself against contagious diseases; this includes immunity with approved vaccines, and following the approved preventive measures. He must also seek treatment when he contacts an infectious disease that could affect the safety of the patient or the society.
- 4- The physician must subject himself to the necessary medical examination for diagnosing contagious diseases if he had reason to believe that there is a

- possibility of suffering from certain disease, or when he is exposed to a situation whereby it could lead to transmission might endanger his patients.
- 5- The physician suffering from a contagious disease, which, could be transmitted to patients, must cease to practice the medical profession until the potential risk of transmitting the disease is eliminated. Nevertheless, if his situations obliged him to continue medical practice, he take all possible necessary precautions to protect his patients against contracting the infection; and he must report this situation to his employer.
 - 6- It is mandatory for the physician who comes to know that one of his colleagues or one of the medical team is suffering from a contagious disease, which could be transmitted to patients in the course of medical practice, to report the case to the authorities concerned. Reporting to the authorities concerned should also be made if the physician knew that the physician or team member infected with the contagious disease still continues to practice medicine, or that he does not abide by the required preventive precautions to protect the patients under his care from contracting the disease. Reporting such a case does not necessarily makes it conditional to take permission of the physician or person infected with to take permission of the physician on person infected with the contagious disease.
 - 7- It is not permissible for a physician to refuse treating a patient because he is suffering from a contagious disease; the physician should exert all possible effort towards the necessary precautions to protect himself from contracting the disease.

Terminal Incurable Diseases and the Dying Patient¹

The basic duty of the physician is to preserve the human health and human life, but we should realize that death is an inevitable destiny of humankind predetermined by Allah Almighty. Allah, The Exalted Said: [Truly thou wilt die (One day), and truly they (Too) will die (one day)]. (Verse 30 of *Surat Az-Zumar*). The fatal and incurable diseases are those diseases whereby death is most probably believed to occur within six months, meanwhile man must admit that death is predestined by Allah. In cases whereby it is believed that recovery has become hopeless, the attending medical team must abide by the following rules:

A) Principles adopted in decision-making:

- 1- The medical decision that the condition is terminal, and that recovery of the patient from his disease is hopeless shall be by consensus of three consultants whose opinions bear high consideration in such condition.
- 2- physicians of other medical specialties whose opinions are needed must be consulted, and requested to participate in decision-making.
- 3- All members of the attending team and other decision-making persons concerned must be informed about all procedures and decisions made in respect of the patient. All this must be clearly documented in the patient's

1) For the purpose of this chapter, see the sanctions (Fatwas) of the permanent Committee for Ifta (Sanctions Promulgation Committee) Nos:6619,12086,12762,15964, and the Decision of the council of the Senior Ulama Scholars No.190.

medical record together with the reason on which the decision taken had been based.

B) Principles of dealing with such patients:

- 1- The patient should be respected, and receive the appropriate medical care in neither excessiveness nor negligence, irrespective of the seriousness of his disease. Hopelessness of patient's recovery should not lead to reduction of the physician's visits, or the care of administering the medicine prescribed for him. The patient and his relatives' psychological condition should be taken into consideration during the entire period of his stay under medical care irrespective of the prognosis of recovery of his condition.
- 2- The patient himself must be furnished with the appropriate medical information compared with his ability to comprehend the information while in such condition. Conveyance of such information to the patient must be made in accordance with the manner stated in the paragraph of (Breaking the (bad) news about manner stated in the paragraph of (Breaking the (bad) news about serious diseases) ¹. Furthermore, suitable and appropriate information about the recovery perspective (prognosis) should be released to one of the persons selected from among the patient's relatives, so that the death of the patient would not be a surprise for them.
- 3- The physician should assure the patient or his guardian that the proper medical care will continue, and that the physician and his assistants will not abandon treating him.
- 4- The physician should observe the sufferings of the dying patient as much as possible.
- 5- The physician should observe the performance of continuous care of patient's cleanliness, proper nursing and the appropriate nutriment for his condition.
- 6- The physician should care to advise the patient to continue performing prayers even though purification may not be completely adequate due to his condition.
- 7- The physician should avoid futile medical procedures if it was quite evident that death has become imminent, so that the patient may die in the best possible appearance without subjecting him to futile medical trials.
- 8- The physician should care about the patient's family, his relatives, and friends who wish to know about his health condition, and should facilitate their visit to the patient, if such visits would ease the patient's sufferings or introduce pleasure to the patient.

Do patients have the right to refuse receiving treatment because of their condition of terminal disease?

The general principal is that the patient has the right of decision to accept or reject the treatment proposed by the physician, and the physician has no right to compel the patient to take the treatment except in rare cases whereby he or his guardian is legally bound to receive treatment; such as in cases of communicable diseases where there is fear of spreading the infection to others.

Some patients would rather prefer not to benefit of the available medical means due to the advancement of the disease and the low rates of expected success.

1) Refer to the chapter on (Physicians Duties towards his Patients).

The physician's opinion may differ from that of the patient, but in such case, the final decision remains in the hands of the patient, if he were able to completely comprehend the medical details in this respect. However, if due to the patient's health conditions he is unable to make a decision, or by reason of lack of legal liability, the decision should be reached by consultation between the patient's guardian and the treating medical team, who must follow the aforesaid principles in respect of decision-making.

When should medical treatment be stopped?

In cases of terminal disease, when treatment by using sophisticated equipment has proved to be unsuccessful, and that there is no hope of obtaining any benefit wherefrom, use such equipments for treatment may be withheld in the first place, or the treatment could be stopped if these equipments proved to be useless. However, the previously mentioned principles concerning decision-making should be followed, and the regulations governing this issue should be strictly adhered. In such cases, the patient's family must be informed of this decision unless it were otherwise not possible for substantial reasons.

If there were differences of opinion between the patient and his guardian on one side, and the physician on the other side about the usage of these equipments, detailed discussion between both parties at the highest level of responsibility should take place. If no agreement between the two parties on this matter had been reached, and whereas the general rule states that the patient has the right to select his physician, the patient could then be transferred to the medical care of another physician who would accept such task. However, if this could not be realized, the authority concerned in the hospital must eventually reach a decision to end this matter.

Intravenous fluids and potential feeding for patients with terminal diseases:

Intravenous fluids and potential feeding are of vital necessity for some patients to survive. Hence, they should not be withheld from a patient who cannot otherwise be fed normally, regardless of the nature of his disease or its duration.

Order not to perform [DNR]"advanced cardio-pulmonary resuscitation":

The cardiopulmonary resuscitation may not be appropriate in all cases, particularly when the patient is dying because of an advanced incurable and terminal disease. Cardiopulmonary resuscitation is a medical procedure that must be done promptly and very quickly, where usually there is no time to review all various opinions, or thoroughly usually there is no time to review all various opinions, or thoroughly study the patient's condition before attempting resuscitation. Therefore, it the issue of cardiopulmonary resuscitation with patients or their guardians before the occurrence of a situation of emergency to the patient, in order to reach the right decision whether or not to perform such resuscitation.

The cardiopulmonary resuscitation may be discontinued if the heart or lungs function could not be recovered in the first place (after performing the procedure for a sufficient period in accordance with known medical standards). The cardiopulmonary resuscitation may also not be performed if it were strongly believed that the patient would never live to be discharged from hospital (alive)!

If the patient or his guardian insisted that cardiopulmonary resuscitation must be performed irrespective of the circumstances and consequences, but the physician has a different opinion, the physician should clearly explain his opinion. However, if the patient or his guardians were not convinced, the physician must involve the medical administration of the hospital in reaching an appropriate decision. The physician should clearly endorse his opinion in the patient's medical record. Misunderstanding or misconception due to incomplete information or explanation must be avoided under all circumstances. The physician should resort to all possible means to help him in explaining the facts to the patient's relatives, and he should overcome all psychological barriers that may lead him to derive and accept a decision of hopelessness or despair to continue treatment.

The physician must thoroughly explain to the patient or his guardian and to all members of the attending medical team, that the decision not to perform cardiopulmonary resuscitation does not necessarily mean to entirely stop the treatment. The physician should emphasize that the patient should remain under the appropriate medical care, with provision of all what proper nursing requires, and that the patient should be cared for and respected as a human being under all circumstances.

Euthanasia (Mercy killing):

Euthanasia means to relieve the patient of his sufferings, pain and long-standing disease by causing death by means of administering a lethal dose or depriving him of nutrition, water or oxygen. The physician or any member in the treating team shall not be permitted under any circumstance to perform what is called euthanasia or assist in performing the same. In certain cases, the patient's condition may require administering certain medications in high doses to reduce severe pain. These medications, in such high doses, could adversely affect the patient's respiration, which in turn could threaten his life. In such cases, the physician should consult other qualified physicians in this field, but preference should be given to ease or reduce the severe pain even if there were severe side effects resulting from the administered drugs. However, the proper dose of these medicines should be reached by gradually increasing the dose until the appropriate dose is known. The patient should not be left to suffer intense and harrowing pains because of the fear that these doses of narcosis could lead to addiction if frequently administered. Experiences in many countries have shown that the patient's desire to request ending his life by euthanasia procedure is greatly reduced if his pains were eased. The Muslim physician must remind the patient who request this euthanasia, that such wish violates the Islamic religion, and that his disease is but an expiation and purification from sins that would be realized upon Allah will, and that he, as his physician, will exert his utmost effort to ease the pain as much as he can.

Conditions of persistent irreversible coma:

A patient may suffer from irreversible coma due to cerebral cortical degeneration while the brain stem remains normal. A patient in such condition neither feels what is happening around him, nor responds to anything or action around him, but his happening around him, nor responds to anything or action around him, but his condition is not classified as one of a (terminal disease) since his life in state of coma

could continue for several months or even for years, thus exceeding the limit of six months specified as the limit for (terminal diseases).

Such a patient is considered as lacking legal liability and mentally incapacitated, and shall not be treated as a patient suffering from terminal disease according to the definition mentioned earlier in this chapter. Practically, a patient who is proved to have suffered from an evident cerebral cortex degeneration can be treated with a variety of capabilities that do not require complicated and sophisticated equipment, such as artificial respirators, hemodialysis and the like, particularly if treating that patient using such equipments would deprive other patients who are in a better condition than his. However, some relatives of such patients suffering from irreversible coma may sometimes privately provide the supporting equipments needed for respiration or kidney function; thus, other patients would not be affected by lack of such equipment. In these cases, the physician should continue to perform his duty of treatment and medical care.

Novelty and Latest Advances in Medical Practice:

Nowadays, Medicine is characterized by fast progress, and sometimes, may be by uncontrolled technologies and practices. Therefore, the physician bound to carefully consider the moral and religious aspects of application of such recent advances in medical practice. This could be achieved through observing the following controls collectively:

- 1- The physician make sure of such new medical practice is right and in tact in respect to religion. If its aspects of religious conformity were not studied before, the physician must take his time until authorized sanctions (Fatwas) are issued, or he may seek to obtain such sanctions.
- 2- The physician should be convinced by virtue of evidence and proof of the scientific advantage of such new medical practice which benefits and safety to the patient should be an overweighing probability.
- 3- The physician must have probable reason to believe that such new medical practice would be in the interest of the particular patient under treatment, regardless of the physician's own interest or that of other patients.
- 4- The physician must inform the patient or his guardian if he is minor about such new medical practice, particularly if it were to be performed for the first time.
- 5- The physician must observe the laws and regulations for the time being in force relating to latest medical practices, such as organs' transplant, issues of fertility and reproduction, gene therapy, and other novelties in medical practice.