

# Our watchdog sleeps, and will not be awakened

M. K. Mani

## Introduction

I reproduce here, verbatim, correspondence I have had on a matter we have all experienced and some of us have thought about. The only facts I have concealed are the names of the patients concerned and the institutions and doctors involved. I thought long and hard before taking this decision. Since almost every institution which has expensive diagnostic or therapeutic equipment is following this practice, and since my example is of only one, I feel it would be unfair to single out this one name and publicise it. You know there are many names which you could insert into the letters. The content would be the same.

## Our Medical Councils - a personal experience

The story starts in May 1995 with this letter:

✉ From: Institution A. 6 May 1995.

Dr. M. K. Mani,  
Chief Nephrologist,  
Apollo Hospital, Madras 600 006.

Dear Dr. Mani,

Thank you very much for your kind reference of Ms. B for ESWL (Extra corporeal Shock Wave Lithotripsy) treatment.

Enclosed herewith is a Cheque No: 040508 6.595 for Rs. 2000/- towards Professional Charges, for pre and post treatment care of the patient.

Kindly accept and acknowledge receipt of the cheque. Anticipating your kind co-operation in the future.

Thanking you,

Yours sincerely,  
for Institution A.  
Accounts Officer.

Enclosed: 1 cheque.

✉ From: Dr. M. K. Mani, etc. May 10, 1995.

To: The President,  
Medical Council of India,  
Aiwan-e-Ghalib Marg,  
Kotla Road, New Delhi 110 002.

Sir,

The Medical Council has issued clear guidelines that it is not acceptable for medical practitioners to indulge in fee splitting. It is a common practice for institutions running high tech and high cost investigations and treatments to offer inducements to doctors who refer patients to them for investigation or treatment. I believe this practice is no less reprehensible, and no less detrimental to the interests of the patient. I enclose herewith a copy of a letter and a cheque which I received recently for having referred a patient for lithotripsy. Apart from referring the patient to the centre, I had no role in the care

of the patient in the centre, and Apollo Hospital has collected its legitimate fees for my consultation earlier.

I believe the Medical Council must take a decision whether such inducements are legitimate practice, and should take disciplinary action accordingly. The original of the letter and the cheque are in my possession. I should be grateful if you would let me know your decision.

Yours sincerely,

M. K. Mani.

CC: The President,  
Tamil Nadu Medical Council,  
DMS Office Compound,  
Madras 600 006.

✉ From Institution A: 13.6.95

To: Dr. M. K. Mani, etc.

Dear Sir

Thank you for referring patients for treatment of stones by ESWL.

Find enclosed a cheque of Rs. 6000/- bearing the number 040563 drawn on C Bank, towards professional charges and post operative care.

Thanking You

For Institution A.

✉ From: The Medical Council of India, etc. 22.6.95.

To: Dr. M. K. Mani, etc.

Sir,

With reference to your letter No. MKM/95/4/1024, 10.5.95 I am to state that the photo copy of the letter from Institution A signed by Accts. Officer on behalf of Institution A does not clearly show the address. You are requested to kindly send the clear address for further necessary action in the matter.

Yours faithfully,  
A. S. Rahi  
Asstt. Secretary.

✉ From: Dr. M. K. Mani, etc. 3.7.95.

To: Dr. Narasimha Rao, President, Medical Council of India, Aiwan-E-Ghalib Marg, Kotla Road, New Delhi 110 002.

Dear Dr. Rao,

I should be grateful if you would take personal interest in a matter I have referred to the Medical Council of India for advice and guidance. The proliferation of high cost equipment like MRI, CT Scan, and lithotripters has led to a practice of the proprietors of these machines, whether they be hospitals or free standing institutes, offering financial inducements to doctors who refer patients to them. The Medical Council has clearly stated that it is an offense for doctors to offer such inducements, but you have not clarified the situation when an organisation like a hospital or an institute does so. I wrote to you in your official capacity on May 10 with copies of a letter and a cheque I had received from an institute to which I had referred a patient for lithotripsy. I have just received a letter from Mr. A. S. Rahi, Assistant Secretary, asking for the address of the institute. I believe this is a matter which is

detrimental to the moral tone of the profession and harmful to patients, and I should be grateful if you would take a firm stand on this practice. While I have given this example because I happened to have a letter and a cheque in my possession which I can use as evidence, it is common knowledge that all such institutions offer similar inducements to doctors who refer patients to them. I am sorry to say that the majority of doctors seem to find nothing wrong with the practice.

Yours sincerely,  
M. K. Mani.

✉ From: Institution A. **31.7.95**

To: Dr. M. K. Mani, etc.

Dear Sir,

Thank you for your kind reference of Mr. F for ESWL treatment.

Enclosed herewith is a cheque No. 049396 dated 29.7.95 for Rs. 2000/- towards professional charges, pre and post treatment of the patient.

Kindly accept and acknowledge the receipt of the cheque.

Thanking you  
For Institution A  
Mrs. G.

☐ From: Dr. M. K. Mani. **5.8.95.**

To: Dr. Narasimha Rao, President, etc.

Dear Dr. Rao,

I wrote to you on July 03 asking for a ruling about whether it is permissible for institutions to offer cutbacks to doctors for referring patients for procedures like lithotripsy, and for investigations like CT scans and MRIs. I have already submitted documentary proof of one such instance where a cutback was offered to me. I should be grateful if you would inform me of your decision. If there is any reason why you need to delay taking the decision, I should be grateful to have the courtesy of a reply.

Yours sincerely,  
M. K. Mani.

•-(I From: Dr. M. K. Mani. **5.8.95.**

To: Dr. H, Chairman, Institution A.

Dear Dr. H,

I have been very distressed to receive from your institution a series of cheques for referring patients for lithotripsy which can only be construed as a cutback, and an inducement to refer more patients to your centre. The Medical Council of India expressly forbids fee splitting. This is an offense for which both the person who gives the inducement and the person who receives it can, and should, be debarred from the practice of medicine. It shows clearly that you are overcharging patients who come to you for this procedure, and is a form of exploitation of unfortunate patients, who anyhow have to pay too much to the medical profession. I am aware that this immoral practice is not confined to you and your institution, but is widely prevalent in the country. I am taking up the matter with the Medical Council of India. Meanwhile, I am holding all the cheques I have received. I certainly have no intention of encashing them, and will return them to you at a later date. I would appeal to you, in the interest of humanity to our patients, that you reduce your charges and stop bribing doctors to refer patients. When the facility is available, and if your team does a good job, I assure you that doctors who are interested in their patients will refer all suitable cases for such treatment when genuinely indicated, without need to be bribed.

Yours sincerely,  
M. K. Mani  
CC: Mrs G, Institution A.

✉ From Dr. P. Narasimha Rao, President, Medical Council of India, etc. **25.8.95**

To: Dr. M. K. Mani, etc.

Dear Dr. Mani,

This is to acknowledge the receipt of your letter Ref: MKM/95/4/1,666, dated 58.95 written to me to my Delhi address, redirected to me to my Guntur address.

I do not remember to have seen your letter written to me on 3rd July, 1995. However, I will look into the matter when I go to Delhi next time. Since this is occurring in Tamil Nadu, you can also approach Tamil Nadu State Medical Council for clarification.

With regards,

Yours sincerely,  
P. Narasimha Rao.

✉ From: Dr. M. K. Mani 2.9.95.

To: Dr. P. Narasimha Rao, etc.

Dear Dr. Narasimha Rao,

Thank you for your letter of August 25. I do not wish to make a complaint specifically against Institution A, but only used their letter to point out to you the rampant practice which is followed by almost every institution which has facilities for MRI, CT Scan, or lithotripsy. I believe this leads to many patients undergoing unnecessary investigations or being pushed into lithotripsy, and it certainly indicates that these organisations are making an excessive profit, since they can afford to pass some of it to the referring doctors. I should be most grateful if you would take a firm stand on this issue.

I did write to the President of the Tamil Nadu State Medical Council, but I regret to say I have not had an acknowledgement of my letter from him.

Yours sincerely;  
M. K. Mani

✉ From: Dr. P. Narasimha Rao 8.9.95.

To: Dr. M. K. Mani, etc.

Dear Dr. Mani,

Ref: Your Ref. MKM/95/4/1926, dated 2.9.95.

This is to acknowledge the receipt of your letter dated 2nd September, 1995 referred to above.

Please send me a copy of your letter written on 3rd July, 1995. I am referring the whole matter to the Ethics Committee for taking necessary action considered necessary in this regard. The letter may be sent to my Delhi address.

With kind regards,

Yours sincerely,  
P. Narasimha Rao.

Copy to Dr. (Mrs.) Meenu Sachdeva, Medical Council of India, New Delhi - 110 002 with reference to my letter dated 26-8-1995. This subject is to be placed before the Ethics Committee at its next meeting.

✉ From: Dr. M. K. Mani. 15.9.95.

To: Dr. P. Narasimha Rao, etc.

Dear Dr. Rao,

Thank you for your letter of September 08. I enclose herewith a copy of my original letter of July 03.

Yours sincerely,  
M. K. Mani.

✉ From: Dr. P. Narasimha Rao..

To: Dr. M. K. Mani, etc.

D.O. No. MCI - 7 (8)/95 - Med./ 15684 4.10.95

Dear Dr. Mani,

This is to acknowledge with thanks the receipt of your letter dated 15th Sept., 1995 along with the enclosure of a copy of your letter dated 3rd July, 1995.

I have gone through this very carefully and the medical ethics for individuals soliciting business by offering inducements is clear and it is unethical. There seems to be some difficulty particularly in the United States about institutions offering inducements. However, I am referring all these material to the Ethical Committee to go into the matter keeping in view the trends in ethics, morals and legal aspects of the same.

Thanking **you** for raising this matter.

Yours sincerely,  
P. Narasimha Rao.

✉ From: Dr. M. K. Mani 14.12.95.

To: Dr. P. Narasimha Rao, etc.

Dear Dr. Rao,

Reg; Your DO No.MCI-7(8)/95-Med./15684/ 4.10.95.

Thank you for your kind letter. Though it was correctly addressed, for some reason, it reached me only on December 09. I should be grateful if you would keep me informed about the decisions of the Ethical Committee in this regard.

Yours sincerely,  
M. K. Mani.

✉ From: Dr. K. K. Arora, Deputy Secretary, Medical Council of India 17.1.96.

To: The Registrar, Tamil Nadu Medical Council.

Subject: To offer commission to the doctors.

Sir,

I am to state that the letter received from Dr. Mani, Chief Nephrologist, Apollo Hospital, Madras in respect of offer of commission to doctors was placed before the Ethical Committee of the Council for consideration. The Committee decided that the matter be referred to the State Medical Council concerned for action.

I am therefore directed to enclose herewith a copy of letter dated 10th May, 1995 received from Dr. Mani, Chief Nephrologist, Apollo Hospital, Madras and to request you to kindly take necessary action under intimation to this Council.

Yours faithfully,  
Dr. K. K. Arora.

Copy forwarded for information to Dr. M. K. Mani

✉ From: Dr. M. K. Mani. 17.1.96.

To: Mrs. G, Institution A.

Dear Mrs. G,

I am returning herewith the cheques Nos. 040508 for Rs. 2,000/-, 040563 for Rs. 6,000/-, and 049396 for Rs. 2,000/-, which you had sent me as an incentive for referring patients for lithotripsy. As I have already indicated to Dr. H, I believe the offering of such incentives is both unethical and immoral, and is an indication that you are charging the patients more than they need pay. It would be more honorable for you to reduce your charges to patients instead of bribing doctors to send more patients to you. Please acknowledge receipt of the cheques.

Yours sincerely,  
M. K. Mani.

✉ From: The Registrar, Tamil Nadu Medical Council 22.1.96.

To: The Deputy Secretary, Medical Council of India, etc.

Sir,

Sub:- To offer commission to the doctors -

Ref:- MCI - 211 (2) / 95 Regn. 22578 dated 17.1.96.

With reference to the above, I am to inform you that I have not received the copy of letter 10.5.95 received from Dr. Mani, Chief Nephrologist, Apollo Hospital, Madras. Kindly send the above letter for taking necessary action in the matter.

Yours faithfully,  
S. Kandasamy.

Copy to:- Dr. M. K. Mani, etc.

✉ From: Institution A 24.1.96.

To: Dr. M. K. Mani, etc.

Respected Sir,

I am in receipt of your registered letter dated 17.1.96 with all its contents; thank you very much for your guidance and advice.

In future, I can assure you that all patients will be treated with due consideration. We will be honoured if you could visit our centre some time to see the functioning of the institution. With personal regards.

Yours sincerely,  
Mrs. G.

✉ From: Dr. M. K. Mani 29.1.96.

To: Dr. P. Narasimha Rao, President, Medical Council of India.

Dear Dr. Rao,

I am very disappointed to receive a copy of the letter of Dr. K. K. Arora, Deputy Secretary, addressed to the Registrar of the Tamil Nadu Medical Council. The Medical Council of India is supposed to set and maintain the ethical standards of medical practice in the country, but has been quite inactive in this regard, as a result of which the practice of medicine in India has become more of a business than of a profession. This has led to our being placed under the control of Consumer Courts, so that we no longer have the dignity of being judged by our peers, but must be judged by people who have no knowledge of medicine. This is a clear example of the Ethical Committee of the Council shirking its responsibility, instead of taking a bold and honorable stand.

As I made clear in my letter, I was not raising a specific complaint against one institution, This practice is rampant all over the country and I believe it is the responsibility of the Medical Council to take a firm and public stand on this issue. I am sorry to see that you and your Ethical Committee have failed in your duty. I do not see why the Tamil Nadu Medical Council should be called to decide on a national problem.

Yours sincerely,  
M. K. Mani.

✉ From: Dr. P. Narasimha Rao 14.2.96

To: Dr. M. K. Mani, etc.

Dear Dr. Mani,

This is to acknowledge receipt of your letter No. MKM / 96 / 4 / 196 dated 29.1.96.

With kind regards,

Yours sincerely,  
P. Narasimha Rao

Need I say any more?