FICCI Code of Ethics for Health Services Industry



NATHEALTH
Healthcare Federation of India

CAHO

Indian Chest Society

The FICCI Code of Ethics for Health Services Industry is also endorsed by:

Fortis

Apollo HOSPITALS

Dr Lal PathLabs

MEDICA Superspecialty Hospital caring for life KOLKATA

ManipalHospitals LIFE'S ON

NAYATI HEALTHCARE

COLUMBIA ASIA

Aster

MAHAJAN IMAGING From X-rays to Molecular Imaging

PARAS HEALTHCARE Partners In Health

GLOCAL

oncquest laboratories

MERCY HEALTHCARE Mission of Mercy Hospital & Research Centre

indus health PVT. LTD.

FRESENIUS MEDICAL CARE

FICCI Code of Ethics for
Health Services Industry



CODE OF ETHICS FOR HEALTH SERVICES INDUSTRY

Declaration

We hereby solemnly declare that, as members of the Indian Health Services Industry and signatories to this Code of Ethics, we have read and understood the Code of Ethics and shall abide by it to maintain ethical professional conduct to improve access to quality healthcare services in India.

We voluntarily and collectively commit to:

- Follow professional and ethical practices to ensure that all patients are provided access to high quality, cost effective, safe and patient-centric healthcare services, products and technologies
- Maintain a safe, professional, accountable and trustworthy work environment
- Strive to meet all applicable quality standards and accreditations required for appropriate delivery of healthcare services
- Comply with all applicable laws and statutory requirements on the subject and create a mechanism to address violations appropriately and effectively
- Recognise and champion the sanctity of patient confidentiality and privacy. Maintain accurate and complete health records and ensure safety and proper access for protected health information, as per the prevailing laws
- Give priority to the object of patient care and desist from engaging in any unlawful, unethical or unprofessional act which conflicts with the interests of the patient and the healthcare community
- Provide any donations or contributions only for charitable purposes and not with the intent to influence to purchase, lease or recommend the use of specific products, services or treatment modalities
- Undertake appropriate dissemination of this Code, ensuring its applicability to bring accountability and transparency in the healthcare ecosystem

The Preamble

The Indian Health Services industry represents healthcare professionals, healthcare providers, diagnostic centres and other healthcare institutions operating in India.

The practice of medicine and providing healthcare services is a social business and must abide by the principles of social marketing. Healthcare related decisions should be made giving priority to the welfare and wellbeing of patients.

The fundamental goal of the healthcare profession is to provide equitable, accessible, affordable, effective, efficient and accountable evidence-based healthcare service, while maintaining the trust imposed by the patient.

It is the duty of all healthcare providers to act in the best interest of patients by maintaining high ethical standards, observing transparency in their interactions within the healthcare community as well as with patients and conducting themselves within the parameters prescribed under applicable laws.

This voluntary Code of Ethics for Health Services Industry (hereinafter referred to as, the "Code") is intended to provide Members with guidelines for professional conduct that fulfils this commitment. Members must use the Code as a yardstick for their day to day conduct and interactions within the healthcare community as well as with patients.

The Code of Ethics for Health Services Industry has been developed by FICCI National Health Services Committee based on inputs from relevant stakeholders from the government and private sector. The committee acknowledges NATHEALTH - IMA Code of Ethics for Healthcare which has provided valuable inputs to this document. The Code may be amended or modified by the FICCI National Health Services Committee from time to time.

Definitions



Diagnostic Centres:

Public and private centres equipped to conduct and provide a broad range of tests/imaging that are essential to the management of patient care.



FICCI Code Monitoring Committee:

An internal, external or outsourced committee comprising of external and/or internal experts to monitor a Member's compliance to the code, in a fair and transparent manner on complaints received by a FICCI Member.



Governmental Authority:

Any statutory authority, government department, agency, commission, board, tribunal, court or other entity set up by an Act of Parliament or a State Legislature or established by the Government of India or State Government.



Healthcare Institutions:

Public and private hospitals, clinics, allied medical centres and healthcare establishments that provide healthcare and related services, including but not limited to inpatient and outpatient care, diagnostic or therapeutic services, laboratory services and nursing care.



Healthcare Professionals:

Those working with both public and private Healthcare Institutions and Diagnostic Centres.



Internal Code:

The existing internal policy(ies), code(s) of conduct, and related procedure(s) of each Member, as amended from time to time.



Law(s):

All statutes, enactments, acts of legislature or Parliament, laws, ordinances, rules, by-laws, regulations, notifications, guidelines, policies, directions, directives and orders of any Governmental Authority applicable (on that day) and amendments thereto.



Member(s):

Members of Health Services Industry, who are signatories to the Code as on the Effective Date and other entity(ies) who subsequently subscribe and by ratification of the Code become signatory(ies) thereto.

Effective Date

The Code shall come into effect on and from

SEPTEMBER 1, 2018

Applicable Laws and Regulations

1. This Code is not intended to supplant or supersede any applicable Law(s) or professional codes of conduct including the Member's Internal Code
2. In the event of any conflict between the provisions of this Code and those prescribed under any applicable Law(s), the latter shall prevail
3. This Code is not intended to define or create legal rights or standards, nor should it be construed as legal advice
4. In the event of any violation of this Code, standards mandated by the Laws shall be applied to corroborate such violation



General Principles

The following general principles shall apply to and govern the conduct and interactions of Members with one another and with Healthcare Professionals, as applicable:

Ethical Professional Practices

- Members should be committed to delivery of high quality, cost effective, safe, efficient, accountable, compassionate and patient-centric care and services in India
- Patient(s) should be treated with respect and dignity
- Each Member shall encourage ethical practices and socially responsible professional conduct. Members shall conduct their business with honesty, integrity and accountability, and shall not participate in or conceal any unethical, fraudulent or deceptive activity
- Members shall ensure that selection of employees/staff including doctors and other health professionals is unbiased, based purely on merit, compliant with the necessary qualifications prescribed in the applicable laws. Performance of healthcare professionals should be regularly reviewed with the aim of improving standard of patient care

Legal and Regulatory Compliance

- Members shall remain fully compliant with all the applicable Law(s) of the land, pertaining to various aspects of their operations and professional conduct, including but not limited to those which regulate accreditation, licenses, permits, medical ethics, access to treatment, consent to treatment, medical record-keeping, access to medical records, confidentiality and patients' rights

Patient Centric Care

Members should also comply with and encourage their directors, employees, staff, agents, dealers and distributors, contractors, consultants, vendors and suppliers to comply with the following to provide patient centric care:

- Recognize a patient's rights and extend support for the patient, the family and other caregivers when they need to exercise such rights

- Respect the patient's right to choose their healthcare service provider or doctor freely, to accept or reject advice
- Protect the patient's right to give informed consent and ensure that patients are provided with sufficient relevant information about all diagnostics/treatment being administered and the potential outcome of the procedure/care pathway, before they give their consent
- Ensure that any paramedical services such as, pharmacy and nursing of healthcare institutions adhere to the principles of duty of care and ethical practices for well-being of the patient
- Not refrain from treating a patient without a valid reasoning. Ensure that patients covered under any public or private health insurance are not discriminated
- Make available test/treatment records of patients to Health Insurers with whom the patient has privity of contract
- Make available to another doctor a report of all the findings and/or treatment of that patient, upon request/consent of the patient
- Ensure accurate, detailed and transparent information on pricing of services is provided to the patient
- Inform and guide patients towards making informed health choices for themselves and the society (e.g. prevention of communicable and non-communicable diseases, lifestyle changes, voluntary blood donation, maintaining cleanliness in the environment etc.)
- Constantly review and strive to upgrade infrastructure, human resources and equipment. Be committed to staying abreast with new developments in the fields of medicine and statutory requirements
- In case of clinical trials
  - Recognize that the well-being of individual participants in research take precedence over the interests of science or society
  - Ensure that all participants or their agents are fully informed and have consented to participate in a clinical study and refrain from using coercion or unconscionable inducements as a means of obtaining consent
  - Respect the participant's right to withdraw from a study at any time without prejudice to medical treatment
  - Be cognizant that a patient's decision to not participate in a clinical study should not compromise the doctor-patient relationship or the patient's treatment and care
- Healthcare Professionals should remember the obligation to preserve life; but, where

death is deemed to be imminent, try to ensure that death occurs with dignity, honour and comfort

- Refrain from practising active euthanasia, physician-assisted suicide and gender specific abortions, ensuring that guidelines laid down by statutory and professional bodies are adhered to
- In case where a patient is declared dead or brain dead, follow the law, rules and regulations pertaining to organ transplant and mandatorily offer the relatives of such a patient an option to donate his/her organs. However, Members should refrain from using coercion when obtaining consent for organ donations. Members should inform a potential donor and his/her family fully of the proposal for organ transplant, purpose and risks of the procedure and exercising sensitivity and compassion while discussing the option of organ donation

Prohibition of Retaliation

- Members shall ensure zero tolerance towards illegal discrimination or retaliation against any person including any Member who, in good faith, reports suspected violations of any Law(s), this Code and/or the Internal Code
- Members shall not discharge, demote, suspend, threaten, harass, or in any manner discriminate against any employee, staff, individual or entity because of reporting or participating in the investigation initiated by any Governmental Authority related to violation(s) of any Law(s), this Code and/or the Internal Code

Privacy, Confidentiality of Sensitive Information and Records

Sensitive Information comprises of, amongst others, medical records; patient data; financial data; know-hows; trade secrets; strategies; plans; reports; contracts; information related to existing, previous and potential customers, suppliers, end users and patients; documents containing marketing, technology and technical information; results of research; inventions; and software applications; which are owned, controlled or possessed by each Member and considered confidential and proprietary information.

Records comprise of documents, emails, videos, audios, photographs, reports, and other records and documentation that may be required to be created in the normal course of their professional activities.

- Members shall ensure that they maintain strict confidentiality of professional, technical and/or protected health information- both in print and electronic form, in storage, dissemination and disclosure of Sensitive Information in accordance to their respective Internal Code and applicable Law(s)
- Members should take appropriate steps to avoid improper or accidental disclosures of and unauthorized access to Sensitive Information, unless the same is required by an authorized person or required to be disclosed under applicable Law
- Members must ensure provision of fair, accurate, complete and timely information to the intended recipients of the Records, in addition to ensuring privacy and confidentiality of information
- Members may need to retain Records for a prescribed period, in print and/or in electronic version as per prevailing regulatory and legal requirements. Such applicable requirements may also indicate when and how the Records should be destroyed or handed over to the relevant authority. Members shall ensure that the Records are maintained in a secure and safe environment
- Members should ensure that all interactions with the media and the public are conducted by authorized personnel. In case it concerns any particular patient, such interactions should take place with the consent of the patient

Protection of Intellectual Property

Intellectual Property comprise of Trademarks, copyrights, patents, trade name, trade secrets, know-hows belonging to a Member.

- Intellectual Property of a member is an asset and needs to be properly protected at all times. It is also equally important for Members to ensure that there is no infringement of the Intellectual Property of third parties in violation of any applicable Law(s)

Unfair Trade Practices

Conflict of Interest:

- A conflict of interest may be said to exist when the interests (including financial interests) of a Member conflict with the interests of patients. All members shall desist from engaging in

any activity, practice or act which conflicts with the interests of patients and also ensure that their acts and actions are not induced by personal gain

Competition:

- Members shall compete in the marketplace without engaging in unfair trade practices that may potentially deprive patients of healthcare choices. A Member shall market its services on their own merits and shall not make unfair and misleading statements about competitors' products and services. Members must conduct their professional affairs in accordance with applicable Laws especially including more specifically the Competition Act, 2002 as amended.

Bribery and Corrupt Practices:

- Members shall ensure that professional interactions between Members inter se, with Healthcare Professionals and with Third Parties must be transparent and in compliance with their respective Internal Code and the applicable Laws. Business decisions should be taken fairly and objectively following established bidding, negotiating and contracting procedures, without influence of any subjective considerations
- Members must ensure that they do not engage in offering/accepting bribes or kickbacks, whether in cash or kind to/from any person including but not limited to Government officials, Healthcare Professionals, other Members or Third Parties
- No financial benefit or benefit-in-kind may be provided or offered (other than legitimate consideration/professional fees) to a Healthcare Professional, to another Member or a Third Party in exchange for prescribing, referring, recommending, purchasing, supplying or administering products and/or services or for a commitment to continue to do so
- No financial transactions should be made to a Healthcare Professional, to another Member and/or a Third Party without the exchange of any legitimate products or services
- No specific financial targets should be assigned to medical professionals by the health service industry. All financial arrangements with doctors should ensure that interest of the patients is accorded paramount importance

Soliciting and Advertising:

Soliciting of patients directly or indirectly is unethical and in violation of applicable Laws. Members shall follow prescribed guidelines under applicable Law(s) for the purpose of undertaking advertising and/or awareness programmes in any form or manner.

Gifts, Entertainment and Professional Meetings:

- Members shall not offer, give, solicit or receive money, services, gifts, commission, other items of value or inducement of any kind to Healthcare Professionals, other Member(s) and/or Third Parties, directly or indirectly, whether or not with the objective of influencing such person's or entity's judgment, recommendation or decision against the interests of patients. Any transaction for any services provided is not covered in this section
- For conferences, meetings, workshops, seminars, panel discussions etc., the health service industry member can raise sponsorships, grants and reimburse the faculty, panellists and chairpersons all expenses including honorarium. For delegate doctors, the reimbursement will be limited to less than INR 1,000 each for travel, food, gifts, hospitality and honorarium. There will be no such restriction for academic books, literature or scholarships
- Members will refrain from any illegal, socially unacceptable, unethical and/or unprofessional activity in the context of interactions with one another or with Healthcare Professionals in connection with sales, provision of services including any advisory/consulting services and promotional meetings, third-party educational conferences or product training and continued medical education
- Members may interact and host professional meetings with/for Healthcare Providers, other Member(s) and/or Third Parties for discussion on scientific topics, sales and service terms, contracts, patient access to therapies, professional consultation and other such professional activities. Such meetings shall be held at an appropriate location, where the meeting is primarily to discuss and highlight scientific and educational activities and discourse; and the main incentive for bringing attendees together is to further their knowledge on the topic(s) being presented and to promote professional interaction
- Members shall maintain record of all costs associated with giving and receiving gifts and hosting professional meetings and shall disclose the same if required

Environment, Health & Safety

- Members shall be committed to maintaining a safe, clean, hygienic and healthy environment in their premises
- Members shall ensure appropriate disposal of all medical and non-medical waste and store all chemicals and substances in accordance with the applicable Laws
- Members shall adhere to infection control measures to reduce the risk of transmission of bloodborne and other pathogens from within the member's premises

- Members shall ensure that there is an effective risk management program that addresses natural and man-made disasters, patient and staff safety and adverse incidents
- The following acts (amongst others) should be strongly discouraged by Members on their premises:
  - Violence of any kind, including, but not limited to, threats, verbal abuse, bullying, harassment including sexual harassment, and physical attacks
  - Unlawful manufacture, distribution, dispensation, possession or use of any controlled substance or drugs on the premises, including by an employee/staff while discharging his/her duties
  - Carrying of any firearms or other weapons on the premises, including by an employee/staff while discharging his/her duties, except as may be permitted by Law

Corporate Social Responsibility (CSR) and Charitable Donations

- Member(s) to adopt a holistic CSR approach aimed at addressing social and environmental impacts of businesses, which includes constitution of a Corporate Social Responsibility Committee of the Board and a Corporate Social Responsibility Policy, in compliance with The Companies Act, 2013
- Member(s) may make donations for charitable purposes such as providing funds or products for indigent care, patient education, public education or the sponsorship of events where proceeds are intended for charitable purposes. Donations may be made only to organizations which are involved in such charitable activities
- Charitable donations should not be made to induce Healthcare Professionals, other Members and/or Third Parties to purchase, lease, recommend the use of Members' services
- Transparency must be maintained in making CSR investments and charitable donations by documenting in writing the fund's planned use and the reasons for making such contributions except as may be permitted by Law

Adoption and Implementation

- The leadership of each Member organisation should take the responsibility of adoption and implementation of the Code
- Declaration of the Code should be signed and properly exhibited at appropriate areas within the premises of the Member
- Members should develop and undertake comprehensive training and education programs to ensure that their employees, staff, directors, agents, contractors, vendors, suppliers, customers and consultants are aware of the Code and the standards that are applicable to them as per the Code, especially in their responsibilities towards patients
- Members to ensure that there is a proper complaint redressal mechanism in place to record complaints and take preventive and corrective measures
- An Institutional Code Monitoring Committee may be constituted by the Member to monitor their compliance to the Code, in a fair and transparent manner

Monitoring and Compliance

The FICCI Code Monitoring Committees shall:

- Identify and recommend optimal means to the Member to promote and publicize the Code amongst employees, staff, healthcare professionals, governmental authorities and regulators and other relevant stakeholders in the Health Services industry
- Encourage the member to promote the Code and its implementation on a regular basis in consonance with applicable Law(s) and their respective Internal Codes and work with the Member to ensure that campaigns are undertaken to increase awareness about the Code
- Encourage the member to provide references and links to the Code on their website and display the signed declaration on the website as well as in their premises
- Support the member to engage a third party independent certification agency to help measure public perception to the adherence to the Code by Members (such as a Public Trust Index). Such a third-party agency will be an independent, appropriately qualified consultant or a panel of independent, qualified and experienced persons
- Allow the member to provide an appropriate response to a complaint of violation of the Code by the member, within sixty (60) days of receipt of such complaint. The concerned Member shall undertake an appropriate investigation subject to applicable Law(s) and the Internal Code and provide a detailed report of the investigation and steps (remedial or proactive) as the case may be undertaken
- Review the response and the actions undertaken by the concerned member and if satisfied that it meets applicable Law(s) and is in consonance with the Member's Internal Code, the complaint shall be treated as closed
- If the Code Monitoring Committee is not in agreement on the appropriateness of the concerned Member's response and steps undertaken thereto, it shall present the matter at the next upcoming meeting of the FICCI Health Services Committee for its consideration
- If any statutory body/court finds a member guilty of unethical practice, the FICCI Code Monitoring Committee will take action on the member, accordingly

Acknowledgements

We are grateful to the following members of the FICCI Health Services Committee for providing their guidance and inputs in preparing this Code:

- **(Hony) Brig Dr Arvind Lal,** Chair- FICCI Health Services Committee and Chairman & Managing Director, Dr Lal PathLabs Ltd
- **Dr K K Aggarwal,** Chair, FICCI Task Force on Accountability in Healthcare and Vice President - Confederation of Medical Associations in Asia & Oceania (CMAAO) and President- Heart Care Foundation of India
- **Dr Narottam Puri,** Advisor- FICCI Health Services Committee; Board Member & Former Chairman, NABH and Advisor-Medical, Fortis Healthcare Ltd
- **Dr Nagendra Swamy,** Co-chair, FICCI Task Force on Accountability in Healthcare; and Advisor, Manipal Health Enterprises
- **Dr Alok Roy,** Co-chair, FICCI Health Services Committee and Chairman, Medica Group of Hospitals
- **Mr Varun Khanna,** Co-chair, FICCI Health Services Committee and Executive VP, Fortis Healthcare
- **Dr Muzaffar Ahmad,** Former Member, National Disaster Management Authority, Government of India
- **Dr Arati Verma,** Sr Vice President - Medical Quality, Max Healthcare
- **Dr Yash Paul Bhatia,** Managing Director, Astron Hospital & Healthcare Consultants Pvt Ltd
- **Dr Mahesh Verma,** Director - Principal, Maulana Azad Institute of Dental Sciences
- **Dr J K Das,** Director, National Institute of Health & Family Welfare
- **Dr Shankar Narang,** COO, Paras Hospital
- **Dr Ravi Gaur,** COO, Oncquest Laboratories
- **Dr Jatinder Bhatia,** Executive Director, 360 Diagnostic and Health services Pvt. Ltd
- **Dr Niranjan Pai,** Associate Director, APCO Worldwide
- **Dr (Major) Prachi Garg,** Grievance Cell Coordinator, IMA

FICCI Team:

- **Ms Shobha Mishra Ghosh,** Assistant Secretary General, FICCI
- **Ms Sarita Chandra,** Deputy Director- Health Services, FICCI
- **Ms Shilpa Sharma,** Consultant- Health Services, FICCI
- **Ms Tansi Nayak,** Assistant Director- Health Services, FICCI

About FICCI

Established in 1927, FICCI is the largest and oldest apex business organisation in India. Its history is closely interwoven with India's struggle for independence, its industrialization, and its emergence as one of the most rapidly growing global economies.

A non-government, not-for-profit organisation, FICCI is the voice of India's business and industry. From influencing policy to encouraging debate, engaging with policy makers and civil society, FICCI articulates the views and concerns of industry. It serves its members from the Indian private and public corporate sectors and multinational companies, drawing its strength from diverse regional chambers of commerce and industry across states, reaching out to over 2,50,000 companies.

FICCI provides a platform for networking and consensus building within and across sectors and is the first port of call for Indian industry, policy makers and the international business community.

Contact us:

FICCI, Federation House
Tansen Marg, New Delhi - 110 001
Tel: 011 2373 8760 - 70 (Ext. 513/438)
Fax: 011 2332 0714, 011 2372 1504
Email: healthservices@ficci.com
Website: www.ficci.in