

## IMPORTANCE OF ETHICS AND RESPONSIBILITY IN HEALTH SERVICES IN SERBIA

Nataša TOMIĆ-PETROVIĆ\*

**ABSTRACT:** *The health care system should be seen as the foundation of human society. Laws and ethics of health care substantially coincide. Important role in the struggle against negative phenomenon in Serbia have also numerous ethical codes of healthcare personnel in our country. There are: Code of Professional Ethics of the Serbian Medical Association ("Official Gazette of the Republic of Serbia", no. 121/2007), the Ethical Code of Dental Doctors ("Official Gazette of the Republic of Serbia", no. 14/2008), The Ethical Code of Pharmacists of Serbia ("Official Gazette of the Republic of Serbia", no. 6/2007), Ethical Code of the Serbian Association of Nurses and Medical Technicians ("Official Gazette of the Republic of Serbia", no. 67/2007). The basic ethical principles in performing professional duties and the rules of conduct of their members are established, with aim to preserve reputation and dignity of the health service.*

*The basic principle of all modern legal systems is integrity. Patient safety is dependent on the independence of doctors who decide on their treatment. Respect of personal integrity and the principle of good faith should be a measure of treatment in all matters, and the behavior of health workers should reflect concern for the welfare, dignity and health of each individual. In Rome in 2002 the European Charter of Patients' Rights known as the "Rome Charter" was created, and that was ratified in Brussels in November the same year, and thus became the basic document for healthcare reform in the countries of the European Union.*

**KEYWORDS:** *ethics, health, physicians, patients*

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*A wise man is searching for what he wants in himself.  
(Confucius)*

In this paper the importance of responsibility in health services is considered together with importance of respect of ethical principles in Serbia.

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\* University of Belgrade; SERBIA.

## 1. ETHICAL CHALLENGES

Similar ethical challenges are taking place around the world, especially in health care. European Healthcare Fraud and Corruption Network (EHFCN) is the only organization dedicated to the fight against fraud and corruption in the health sector across Europe and is a partner of the European Commission. The main goal of this organization is to work with its members to fight against fraud and corruption, and accordingly provides support to all its members and associates to work on prevention, detection, initiating investigations, prosecution of cases of corruption and fraud in health care. The Ministry of Health of the Republic of Serbia became a full member of this organization by the decision taken on 9th October 2014.

Medical science and acting of health care workers whose main duty is to look after the welfare of patients should not be faced with the conditioning of providing health services, providing financial benefits (bribes) or some other benefit. However, the reality is sometimes different. (Tomić-Petrović, 2014.b).

According to current data of the Serbian Medical Chamber now there is a total of 34,479 registered doctors, and of this number, 31,291 is with the license. Belgrade has 12,503 registered doctors, of which 11,109 with a license. However, the mission of this important social activity is seriously jeopardized by corruption and other scandals in the health sector.

Moral norms are often neglected and the most serious violations of ethics today are manifested as corruption, conflict of interest and mobbing. Therefore, the effect of moral responsibility for such indecent behavior is important to each society that directs its efforts toward progress.

Leibniz once wrote that „right is a moral power in the same way as duty is the moral need“. If moral norms are violated in one segment of society for any reason, this will one day result in the violation of those norms also in other areas.

*The Constitution of the Republic of Serbia* (“*Official Gazette of the Republic of Serbia*“, no. 98/2006) in article 6, paragraph 1. stipulates that no one can carry out a state or public function which is in conflict with their other functions, activities or private interests. Also, according to the article 51, paragraph 1 of the same Constitution everyone has the right to be truthfully, completely and timely informed about issues of public interest and the media are obligated to respect that right.

Sometimes there is a personal cost of risk associated with doing the right thing. One’s career is at stake less frequently than one’s integrity. Making a judgment in such situations requires whistle-blowers to distinguish courage beyond the call of duty. Escaping blame and hiding behind the authority of others represents an abandonment of personal responsibility and judgment. Remedies for this deficiency include moral courage, ethics training and safeguards for whistle blowers. Adoption of the *Law on protection of whistle-blowers* (“*Official Gazette of the Republic of Serbia*“, no. 128/14) in Serbia is the

most significant step towards encouragement of these people to decide easier in the future to announce irregularities in the service.

## 2. ETHICAL CODES

Many experts wrote on the code of professional and ethical conduct, which have a long tradition as a source of labor law.

Important role in the struggle against negative phenomenon of violation of ethics in Serbia have also numerous ethical codes of healthcare personnel in our country. There are: *Code of Professional Ethics of the Serbian Medical Association* ("Official Gazette of the Republic of Serbia", no. 121/2007), *the Ethical Code of Dental Doctors* ("Official Gazette of the Republic of Serbia", no. 14/2008), *The Ethical Code of Pharmacists of Serbia* ("Official Gazette of the Republic of Serbia", no. 6/2007), *Ethical Code of the Serbian Association of Nurses and Medical Technicians* ("Official Gazette of the Republic of Serbia" no. 67/2007). The basic ethical principles in performing professional duties and the rules of conduct of their members are established by these codes, with aim to preserve reputation of the health service.

According to the article 4. of the *Code of Professional Ethics of the Serbian Medical Association* duty of physician is to provide medical help equally to everyone irrespective of their age, gender, race, nationality, religion, social status, education, social background or any other personal characteristic. At that, the physician must respect human rights and dignity of everyone. A doctor applies their knowledge and skills in a responsible manner and according to the Ethical Code principles. He/she must not cooperate with individuals and institutions and associations that abuse the public trust by advocating uncontrolled and professionally unproven medicines and therapeutic procedures and must be aware of the fact that every thoughtless, dishonorable, humiliating and any other for a doctor inappropriate action will adversely affect other doctors and healthcare personnel, and the healthcare system as a whole. Any public authority and public resource abuse aiming at personal enrichment is also dishonorable for a doctor. (See: article 16, paragraph 1 and article 18, paragraphs 2 and 3 of the same Code) Physicians perform their jobs in a professionally and ethically irreproachable manner and their professional relationship with patients must not be conditioned by any unethical reason. (See: article 41 of the same Code) According to the articles 80. and 81. of the Code of Professional Ethics of the Serbian Medical Association the duty of the members of the Medical Association is to reject any professional act opposed to the professional ethical principles of the Ethical Code or binding international documents. The Association shall assist them by its reputation and, as required, remedies, and undertake action against doctors who violate the provisions of the Ethical Code. (Tomić-Petrović, 2015).

In accordance with article 8. of the *Law on Associations of healthcare Professionals* ("Official Gazette of the Republic of Serbia", no. 107/2005, 99/2010), the Association of Healthcare Professionals takes care of the reputation of its members and/or ensures that

healthcare activities are carried out in line with the Ethical Code, and provides assistance to the citizens in obtaining the rights to health care in case of unprofessional or unethical conduct of the Association members. This Association is obliged to inform the public of all issues falling under its authority, and notify the Ministry of Interior, competent judicial authorities and the Ministry of Health on disciplinary procedures taken against its members before the bodies of the Association, and on the procedures for issuing, renewal or withdrawal of licences if the given procedures give rise of a doubt that a criminal act has been committed. (See: article 35, paragraph 1 and 2 of the Law on Associations of Healthcare Professionals) A member of the Association shall be brought to the Court of Honor for disciplinary violation if, by acting or failing to act, that member violates their professional duty or the reputation of the Association (article 39 of the Law on Associations of Healthcare Professionals ) in the event that they: 1) act contrary to the provisions of the Healthcare Law and Health Insurance Law while providing health care to patients; 2) violate the Ethical Code; 3) perform their healthcare duty unprofessionally and/or contrary to the current developments in the medical, dental or pharmaceutical practice, or make a professional mistake; 4) discredit the profession by their conduct towards patients, other members of the Association or third parties; 5) abuse the health insurance resources while performing healthcare activities; 6) fail to perform the obligations of a member of the Association set out by law, statute and other general acts of the Association. The Association Statute sets out other violations of professional duty or reputation of member of Association. According to this Law, neither criminal or offence responsibility nor the responsibility as a member of the Association excludes disciplinary responsibility of the member of the Association. (See: article 40 of the Law on Associations of Healthcare Professionals) The Court of Honor may order one of the following disciplinary measures for the above-mentioned violations of the professional duty or reputation of the member of the Association: 1) public warning; 2) fine of up to 20% of the average monthly salary in the Republic for the month preceding the month in which the fine is ordered, calculated according to the data of the competent statistical authority; 3) temporary prohibition of independent conduct of certain health care activities; 4) temporary prohibition of independent conduct of healthcare activity. (Tomić-Petrović, 2015). Disciplinary measures set out in Article 43, items 1) and 2) of this Law are ordered for minor violations of professional duty and reputation of members of Association. The disciplinary measure set out in Article 43, item 2) of this Law can be ordered for the duration of one to six months. The disciplinary measures set out in Article 43, items 3) and 4) of this Law are ordered for severe violations of of professional duty and reputation of members of Association. The disciplinary measures set out in Article 43, items 3) and 4) of this Law cannot be ordered for periods shorter than six months or longer than one year, exceptionally up to five years. (Articles 43 and 44 of the Law on Associations of Healthcare Professionals) The initiation of a procedure before the Court of Honor becomes obsolete one year after the violation of the professional duty and

reputation of the member of Association set out in Article 40 of this Law, while the execution of the ordered measure set out in article 43, items 1) to 4) of this Law becomes obsolete after six months from the date of validity of the decision on the ordered measure. (article 47, paragraph 1 and 2 of the Law on Associations of Healthcare Professionals).

### 3. INTEGRITY AND PATIENTS RIGHTS

The basic principle of all modern legal systems is integrity. Patient safety is dependent on the independence of doctors who decide on their treatment. In Rome in 2002 the European Charter of Patients' Rights known as the "Rome Charter" was created, and that was ratified in Brussels in November the same year, and thus became the basic document for healthcare reform in the countries of the European Union.

Fund for treatment of children abroad, which was established in Serbia in late August 2014, started working at the end of November last year. Its launch gives hope for a cure for seriously ill children that professional interventions in our country can not help.

Should doctors be troubled by dilemma to point out fair the diagnosis or hush up? Competent health care worker may exceptionally omit the diagnosis, course of the proposed medical measures and its risks, or reduce a notice if there is a serious danger that the notification will significantly harm the patient's health. In that regard, according to article 11, paragraph 7. of the Law on Patients' Rights (*"Official Gazette of the Republic of Serbia"*, no. 45/13) notice must be given to the family member of the patient.

The law should regulate in addition to the rights also the responsibilities of patients. In our country, a frequent subject of discussion is the collision of the *Law on Protection of Population from Infectious Diseases* (*"Official Gazette of the Republic of Serbia"*, no. 125/04, 36/15) and the *Law on Patients' Rights* (*"Official Gazette of the Republic of Serbia"*, no. 45/13). The question is what to do if a parent is persistent in his application on the non-application of the therapy? Should the physician abandon the principles of good medical practice? Law on Patients' Rights stipulates the obligation of competent health worker to indicate to the patient the consequences of his decision to reject the proposed medical measures, and how to ask from the patient a written statement, which must be kept in the medical record, and if the patient refuses to provide a written statement he/she will make an official note about that. (See: article 17, paragraph 2. of the Law on Patients' Rights)

Today, physicians write about their dilemmas due to collision with the law. Does the Ministry of Health support the doctor who is acting at the request of parents, departed from protocol, and then the result are complications due to the non application of the same? (Messenger, 2014)

In the Republic of Serbia by the *Public Health Law* (*"Official Gazette of the Republic of Serbia"*, no. 72/2009) the right in public interest by establishing conditions for the preservation and improvement of public health by comprehensive social activities is regulated today. In accordance with article 3, paragraph 1. of the Law on Patients' Rights

(“*Official Gazette of the Republic of Serbia*“, no. 45/13) equal rights to quality and continued health care in accordance with his medical condition, generally accepted professional standards and ethical principles in the patient's best interests and with respect for his personal views are guaranteed to the patient.

The complete moral reform cannot be achieved without the light of education and careful upbringing said Masaryk. Certainly the most important is the patient's safety. In this regard, autonomy of a doctor is significant, so it is necessary for physicians to create their own guidelines to good practice, as well as to introduce standardization in education of physicians.

National Assembly of the Republic of Serbia adopted on 31<sup>st</sup> of August last year amendment to the *Health Care Law* (“*Official Gazette of the Republic of Serbia*“, no. 107/05, 72/09, 88/10, 99/10, 57/11, 119/12, 45/13, 93/14), and recent changes in the implementation from September 2014 enable faster training of specialists and more effective response to the needs of the Serbian health system. Over 11 years has passed since the abolition of voluntary specializations in Serbia, but they come back again. For unemployed health worker with high education who has completed an internship and passed the professional exam, voluntary specialization in deficient fields of medicine, as well as sub-specialization by passing the specialist exam, will be approved. Public Health Law is amended in the article referring to the length of the performance of health care activities after passing specialist exams, and before sending physicians to professional training.

The amendments abolished so far applicable requirement of 2 years of internship after passed specialist exam for sending physicians to specialization and sub-specialization. It is expected that the adoption of amendments of this law will increase the number of specialists and sub-specialists under the age of 55 years in health care facilities, what will improve the age structure of employees and renew personnel in the area of scarce medical branches. (Tomić-Petrović, 2014.a).

#### 4. CONCLUSION

Only justice wins the moral victory and should be the basis of every society. The basic ethical principles in performing professional duties and the rules of conduct of their members are established, with aim to preserve reputation and dignity of the health service. Law could not exist without ethics.

The health care system is seen as the foundation of human society. Corruption affairs in this system severely compromise the humane mission of this important social activity. After all, the majority of physicians and other medical staff carry out their activity responsibly, professionally and honestly under extremely difficult working conditions. That healthy part of the system need to be preserved, encouraged and further strengthened. Confucius wrote that affection for knowledge is related to wisdom.

Knowledge is the treasure that follows everywhere its owner and we understood the importance of standardization in education of physicians.

It is essential that there is equal access to services for all beneficiaries who need health care. Healthcare laws and ethics greatly overlap, and respect of personal integrity and the principle of good faith should be a measure of treatment in all matters, and the behavior of healthcare personnel should reflect concern for the welfare, dignity and health of each individual.

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