

PROCEEDINGS OF THE COUNCIL HELD ON THURSDAY 24TH MARCH 2016 BETWEEN 2PM AND 4PM IN THE TELE-RADIOLOGY ROOM OF THE DIAGNOSTIC CENTRE AT SEYCHELLES HOSPITAL ON THE COMPLAINT RECEIVED 31ST JANUARY 2016 AGAINST SUB-15-20-1-M-16

Members present

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| 1. Dr. Bernard Valentin | Chairman |
| 2. Dr. Susan Fock Tave | Registrar |
| 3. Dr. Velmurugan Chetty | Member |
| 4. Dr. Joachim Bistoquet | Member |
| 5. Dr. Winnie Low-Wah | Member |
| 6. Mr. Victor Pool | Member |
| 7. Dr. Harold Pothin | Member |
| 8. Dr. Dereck Samsoodin | Member |
| 9. Father Danny Elisabeth | Member |
| 10. Ms Josie Chetty | Member |
| 11. Dr. Kenneth Henriette | Member |

Member absent

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| 12. Dr. Valentina Seth | Member |
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DECISION-SUB-15-20-1-M-16-24.03.2016

Reprimand on SUB-15-20-1-M-16 being decision of the Seychelles Medical and Dental Council following adjudication by the Council of the complaint received 31st January 2016 against SUB-15-20-1-M-5

After due process the council noted that

1. SUB-15-20-1-M-5 did admit to interacting with the patient outside the confines of a suitable examination room
2. SUB-15-20-1-M-5 did admit to raising a finger, but that this could have been misinterpreted by the patient's attendant.

The Council found therefore that the first allegation has been well established and that SUB-15-20-1-M-5 breached the patient's right to confidentiality by discussing his medical condition in a public space.

The Council recognized that hand gestures are used differently in different cultures and as such are easily misinterpreted.

The Council was particularly concerned that SUB-15-20-1-M-5 did not consider a meeting with a patient to communicate test results as a consultation worthy of privacy.

After consideration of SUB-15-20-1-M-5's acts and his long experience as a physician, the Council concluded that SUB-15-20-1-M-5's behavior constitutes a violation of section 10 (1) (a)(ii) of the Medical Practitioners and Dentists Act 1994, it amounts to (serious) professional misconduct.

The Council reminded SUB-15-20-1-M-5 of his obligations as a physician according to the World Medical Association Code of Medical Ethics (1949, amended 2006) which stipulates that

- ***“A physician shall respect the rights and preferences of patients, colleagues, and other health professionals.”***

- ***“A physician shall respect the patient's right to confidentiality.”***

As a result of the breach of section 10 (1) (a) (ii) of the Medical Practitioners And Dentists Act, 1994, the Council has decided on the following measures as per section 10 (1) C and D, of the Medical Practitioners And Dentists Act, 1994, that

SUB-15-20-1-M-5 be

1. Reprimanded for his behavior as outlined above

According to Section 11(1) of the Seychelles Medical Practitioners and Dentists Act SUB-15-20-1-M-5 may appeal this decision in the Supreme Court of Seychelles within 14 (fourteen) days after the date of notice of this decision.

End of the Decision