

Crosspathy:

The present times?

Verma et al. conducted a survey of OPD prescriptions of a tertiary care allopathic hospital and an ayurvedic hospital, both belonging to government setup.

The study found that the prescriptions from tertiary care hospital had 12% ayurvedic drugs, while prescriptions from ayurvedic hospital had 58% allopathic drugs.

In 2010, “The Common Review Mission (CRM) of the Union health ministry which came to one of the states, to review the National Rural Health Mission (NRHM) has suggested the state government to depute Ayush doctors at the primary health centres (PHCs) if doctors are not available in the state.”

Is it legal?

No.

Is it justifiable?

No.

Primary health centres have allopathic medicines. Will these doctors from Ayush group prescribe allopathic drugs about which they are not well acquainted or their own medicines or alternatively prescribe medicines from two systems i.e. allopathic and their own system?

In case a serious adverse reaction occurs following allopathic drug administered by Ayush doctor, he/she may not be able to handle the situation appropriately. Who shall be held responsible in such a situation: Ayush doctor or the appointing authority?

Who is a Genuine Medical Practitioner?

Any individual who has acquired a qualification / degree from an institute which is recognised by its registering authority, like Medical Council of India, Dental Council of India, Homoeopathic, Ayurvedic or Unani System of medicine, and is registered with respective authority is a genuine medical practitioner for that specific system.

In case an individual acquires degrees for two different systems, eg, a person who had passed BHMS and later studied and passed MBBS examination, can practice homoeopathy as well as allopathy provided he/she is registered with both authorities. All other persons should be treated as quacks or fraudulent medical practitioners.

Who is the quack?

According to Supreme Court any person who claims to be expert is a quack unless he has an adequately standardised training / qualification for these supposed / specific specialties

What is the difference between ANMs, compounders and Community Health Workers?

The issue regarding community health workers prescribing or dispensing some medicines is very relevant and pertinent.

A compounder, nurse or auxiliary nurse (ANM) has to pass examination after a stipulated period of training of 3-4 years, and then is supposed to administer any medicine which has been prescribed or advised by a doctor. Compounders and nurses are not permitted to administer any medicine on their own.

But, community health workers are permitted to administer some medicines by themselves.

So, It would be pertinent to have opinion of legal experts on this issue.

What is modern medicine?

The modern medicine is evidence based, peer reviewed, technologically assisted, preferred by meritorious students and hence probably more accepted.

Is there any difference between clinical care and clinical research?

Yes!

The Supreme Court forbids prescription or administration of drugs from other systems but research is not forbidden.

Any person who prescribes a drug from other system is liable for legal action by a court of law and suitable punitive action by respective authority like Medical Council of India, Dental Council of India, etc.

An allopathic doctor cannot prescribe Liv 52 or Calcaria Phos, very popular ayurvedic and homoeopathic drugs respectively. Similarly, a vaid or a homoeopath cannot prescribe Amlodipine in hypertension, Valproic acid in epilepsy and any antibiotic

What is valid legal prescription?

Supreme Court is very stringent against crosspathy: the apex court laid out few directions about issuing the valid prescription.

The honorable SC in, C A no. 3541 of 2002, Martin F. D'Souza vs. Mohd. Ishfaq has observed that:

- No prescription should ordinarily be given without actual examination.
- The tendency to give prescription over the telephone, except in an acute emergency, should be avoided.
- A doctor should not merely go by the version of the patient regarding his symptoms, but should also make his own analysis including tests and investigations where necessary.
- A doctor should not experiment unless necessary and even then he should ordinarily get a written consent from the patient

Which Products can be prescribed by anyone?

The products which are food supplements can be prescribed or purchased by any one, because no prescription is required. Thus over the counter (OTC) drugs like Strepsil, Vicks, Hajmola, Ferradol, Sharkoferrol, Chyavanprash and protein preparations can be prescribed by any one.

What is the drug'?

The word drug is derived from the French word 'drogue' a dry herb.

Drug is defined as any substance used for the purpose of diagnosis, prevention, relief or cure of disease in man or animal.

According to WHO "a drug is any substance or product that is used or intended to be used to modify or explore physiological systems or pathological states for the benefit of the recipient.

According to The Drugs and Cosmetics Act, it includes all the preparations, whether allopathic or ayurvedic.

Who can handle drugs-sale,distribution,etc?

A drug can be sold or supplied by the pharmacist or druggist only on the prescription of a “registered medical practitioner” defined under Indian Medical Degrees Act of 1916.

What are the Licensed Herbal Products ?

Some therapeutic indices mention group of ‘licensed herbal products’ under many sections. Bonnisan is mentioned under section drugs for gastrointestinal system, Liv52 under section drugs for hepatic disorders, Abana is mentioned under section drugs for cardiovascular system, Eves Care for menstrual disorders, Septilin as Immunostimulant in various infections.

Does Allopaths are permitted to prescribe Ayurvedic drugs mentioned under licensed Herbal Preparation?

Yes/no-ambiguity!

Is it legal, that some private hospitals employ Ayurvedic or Homoeopathic doctors as resident medical officers under supervision of consultants?

It’s illegal . This could be considered fraud with the patients who attend that hospital for allopathic treatment by allopaths.

Even though, these AYUSH persons are trained and qualified personnel and as their observations may be accurate but they have to administer allopathic medicines as advised by the consultant as like any compounder or nurse. Then it’s apt to appoint nursing staff who are well trained in allopathic system.

So,don’t appoint the AYUSH persons as RMOs in modern medicare hospitals.

FAVORING CROSSPATHY	Opposing crosspathy
<p>The other side(govt side) of this issue is ----- That in many developing countries where rural health is important and qualified practitioners are not available the authorities are appointing community health workers (CHW). These CHW are provided with some of the common medicines which can be used for domiciliary management of common illnesses. Do they have the deep and complete knowledge of these illnesses or medicine? If an unqualified CHW can prescribe or dispense medicines why a graduate in medical curriculum (traditional or homoeopathic) cannot do so?</p>	<p>“The Apex Court in the Poonam Varma vs. Ashwin Patel case has ruled that if you are practicing any other system it is Negligence per se.</p> <p>In judiciary the decision of SC will always be binding on lower courts unless and until SC reviews its decision</p>
<p>Paradoxically, some High Courts eg. Tamilnadu HC (Tamil Nadu Siddha Medical Graduates Association, Vs. Smt. Letika Saran, Cont. P. No. 775 of 2010 decision dated 23.07.2010) and State commissions (Manpreet Kaur Vs. Dr. Veena Ghumber I 2005 CPJ 63)</p>	<p>S u p r e m e C o u r t j u d g e m e n t : A person can practice only that therapy for which he/she has a degree / recognised qualification or experience.</p> <p>Medical Council of India. Clause 1.1.3 of MCI</p>

have pronounced that a practitioner of Indian system of medicine can prescribe drugs of modern medicine	prohibits the allopathic practitioners to prescribe ayurvedic or homoeopathic drugs.

Wider discussion and larger platform:

So there is a urgent need for the Government, judiciary and Medical Councils to look into these vital issues and to frame clear cut guidelines keeping in mind the situation and facilities in our country..

There shouldn't be confusion or paradox in legal, ethical or evidence based scientific recommendations.

This is important so as to prevent / decide the cases of medical malpractice and negligence in future.

At any cost, we must stop the crosspathy.

Role of IMA?

Circular by the Union Health secretary requesting the state Governments entertain AYUSH to practice modern medicine.

IMA filed the petition against this federal order.

IMA has to create the platform to converge all stake holders and extract legitimate conclusion once for all.

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