

**Opening address by KZN Health MEC, Dr Sibongiseni Dhlomo
on the occasion of the KZNMCC Conference at Elangeni
Conference Center in Durban**

25 May 2012

Fellow presenters: Prof Chetty; Prof du Plessis; Prof Moodley; Prof Chima, Dr Bobat and Dr Ramlachan as well as all colleagues here present, good evening.

It feels home every time one has to grace events organised by the KZNMCC as one knows that he is with compatriots always concerned about how best to serve and save mankind from the ailments afflicting them.

I am also excited that our interface tonight revolves around the issue of **ethics in healthcare** which brings to mind aspects of morals; integrity; conscience; values and principles. It addresses justice, equity and access to medical care, as well as defending the general moral rights associated with medical care. It also focuses on general duties of doctors, dentists and pharmacists.

Medical ethics must be understood as an applied professional concept that is separate from the concept of avoiding doing harm to patients. Part of this understanding is acknowledging that health and medical professionals are confident that medical ethics, as an essential

branch of general ethics, offers a valuable framework in which to define the norms for medical care. We should see them as concerned with promoting health and medicine and clarifying norms for improving relationships between patients and physicians.

Dear colleagues, as medical professionals we increasingly find ourselves confronted with moral questions and ethical dilemmas. The need to reflect on the moral dimension of advances in medical and health care, science, and technology, combined with the desire to enhance public health efforts, has led to the establishment of a number of international ethical codes and guidelines.

Over and above; we are in a country that champions human rights which are enshrined in the Constitution in respect of access to health care services that are amplified and given effect by various pieces of legislation and policy directives, including, the National Health Act 61/2003; Health Professions Act 56/1974, Mental Health Act 17/2002; Dental Technicians Act 19/1979, Promotion of Equality and Prevention of unfair discrimination Act 4/2000, to mention a few as well as the Patients' Rights Charter.

Section 2 of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996) provides that the Constitution is the supreme law of the Republic and obligations imposed by it must be fulfilled; law or conduct inconsistent with it is thus invalid. Colleagues; Health Professionals are therefore bound by legislative prescripts to ensure

the realization of the right of access to health care services as guaranteed and prescribed by the Constitution.

In our dealing with the question of ethics or Medical ethics in particular, we have to understand and agree that they are a system of moral principles that apply values and judgments to the practice of medicine. Medical ethics should become more appreciative of the actual experience of practitioners and more attentive to the context in which Physicians, nurses, patients and others experience their moral lives, for example, the roles they play, the relationships in which they participate, the expectations they have, and the values they cherish.

Compassion must play an important role in determining the concrete content of the ethical principles in contemporary medicine. Compassion is an important moment of the lived ethical experience in health care professions; it is an essential element of the emotional-cognitive response in the face of another person's suffering.

The term compassion could be defined as the virtue by which we have a **sympathetic consciousness of sharing the distress and suffering of another person and on that basis are inclined to offer assistance in alleviating and/ or living through that suffering.**

At the centre of medical ethics are also values. Here I have to refer to my experiences when I was a Board Member of the Health Professions Council of South Africa dealing with cases pertaining ethical values. I will make examples of some the cases that the Council has ruled on. These include:

- Case Number 2009/ 19 which was about a practitioner discussing private matters of a patient in public which got resolved when the Practitioner paid an admission of guilty fine.
- Case number 2009/311 which was about a practitioner fraudulently claiming for services not rendered and found guilty later receiving a suspended sentence on condition that he is not found guilty of a similar offence where dishonesty is an element;
- Case number 2009/305 where an accused had an intimate relationship with the complainant's/patient's wife; and
- Case 2006/305 where a Practitioner admitted having sexual intercourse with a patient and was found guilty of unprofessional conduct.

I can also report that the KwaZulu Natal Department of Health has its fair share of problems in this regard as it is also facing a large number of medico-legal cases arising from alleged patient negligence. Since 2005 the claims have increased and as at the end of March 2012, the Department recorded a total of 327 claims with

81 of these claims having been received during the last financial year. The total value claimed by the litigants amounted to R304 113 722.68.

This is indeed unacceptable with some of the cases very embarrassing even to listen at. If we are really true to the oath we took, we will all understand and admit that the people we serve deserve better. It is time we also admit that Patients are now more aware of their rights and expect clinical governance and the ethos of a caring and compassionate health work force.

We spent time in prestigious Universities learning some of the most difficult skills and concepts with an aim of becoming torch bearers of doing no harm and serving with love. Medical ethics is not only about the moral behaviour of clinicians, but about ethics and health care. It can be described as the reflection on moral actions within the framework of health care. Its objective is to promote health, to care, to heal, to alleviate pain and to prevent suffering.

I am therefore pleased that the organizers of this all important conference have dedicated an evening to address this particular topic and also wish that your deliberations throughout the weekend will be successful and fruitful in developing an ethical cadre of this noble profession.

I thank you