

## ***Medico-legal Section***

### **Is it Binding to Honor Home Visits?**

I am a pediatrician. I solely do private practice. I do not attend home calls as a principle. On my prescription pad it is clearly stated "HOUSE CALLS REGRETTED". Now if a patient requests me to attend a home call and I refuse and eventually if the patient dies, am I liable to be sued in a court of law? What is the medico-legal position regarding problems arising from refusal of home calls? Am I legally bound to attend home calls?

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### **Reply**

A private doctor has a legal right to select, accept or reject a patient. According to code of medical ethics, a physician is not bound to treat each and everyone asking his services except in emergency for the sake of humanity and the noble traditions of the profession(1). The honorable Supreme Court in the judgement (Criminal writ petition no. 270 of 1988) directed that saving the human life must be the first priority / responsibility of the health professionals(2). The professional obligation of protecting life extends to every doctor, whether at Government hospital or otherwise. A doctor is thus, morally and ethically responsible to serve the ailing human being, especially at the hours indicated to the patients.

According to law, a doctor can't be held negligent for refusing to offer his services, to a person who is not his patient(3). Thus, there is

a paradox between ethical and legal concepts. There are some situations (including the safety reasons) when a doctor can refuse or turn down a patient. In odd hours especially if it is not an emergency, a home visit may be definitely refused. If a patient is really sick, he should attend the clinic / hospital where 24 hours emergency services are available. In *Vidrine v. Mayer* (127 So 809 Ca 1961), a doctor was called to visit a pregnant woman at her residence for delivery. The doctor asked to bring her to the hospital. Another doctor was consulted. He also gave a similar reply. At last patient was shifted to hospital where a dead child was delivered. Doctors were not held liable.

The doctor-patient relationship is a contractual agreement, hence if the patient is already under the treatment of the doctor and deteriorating then the doctor must visit the patient. In *Taggard v. Vafes* (218 Ala 609 119 So 647), the doctor was held liable for refusing to visit a patient who was under his treatment and worsening. If the patient is not under the care of doctor, the visit may be refused. A telephonic talk between the doctor and patient or his relatives does not establish the relationship.

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### **REFERENCES**

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