

To The
President
MCI

Dear Madam

This is about the following circular being issued by the MCI.

However, the clause 1.5 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 has been amended in 2016 and notified in the Gazette of India on 21.09.2016, which reads as under:

"1.5 - Use of Generic names of drugs: Every physician should prescribe drugs with generic names legibly and preferably in capital letters and he/ she shall ensure that there is a rational prescription and use of drugs."

IMA Observation:

1. **Use of Generic names of drugs: Means the chemical name of the drug**
2. Every physician: Means all doctors registered under IMR
3. **"should" means discretionary and non-mandatory**
4. **prescribe drugs with generic names: Means writing chemical name of the drug**
5. Legibly: Means readable (does not mandate electronic writing)
6. **and preferably (where ever possible and is non-mandatory)**
7. in capital letters (pertains to the chemical name)
8. and he/ she shall ensure that there is a rational prescription and use of drugs means this part of the clause is **mandatory** (shall)

B: All the Registered Medical Practitioners under the IMC Act are directed to comply with the aforesaid provisions of the Regulations without fail.

IMA observation: To follow the above in its letter and spirit

C: You are requested to give wide publicity of the above regulation to ensure that all the doctors practicing medicine under your jurisdiction comply with the regulation.

IMA observation: IMA needs to disseminate this information.

D: All concerned are once again urged to take necessary steps for observance of the aforesaid provision of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 in its letter and spirit.

IMA observation: same as B.

E: For any doctor found violating clause 1.5 of Ethics Regulation, suitable disciplinary action would be undertaken by the concerned SMC/MCI.

IMA Observation: Only the mandatory portion of the clause can be actionable. The prescription shall have rationality of treatment and the drugs prescribed. The non-mandatory initial part of the clause can-not lead to action by SMCs as it is discretionary.

F: **“should prescribe drugs with generic names”**: It does not write "only with generic names". It does not prohibit a doctor from writing the name of the company or the brand.

For example when writing a generic name, we need to write the word ‘Jan Aushidhi’ in the prescription otherwise he or she will not get the cheapest quality drug etc.

This classification may kindly be circulated to the SMCs to avoid any misunderstanding in its interpretation.

Dr KK Aggarwal

National President, IMA

Background Note

Generic drugs prescription

Dr KK Aggarwal

The current law situation is

“Every physician should prescribe drugs with generic names legibly and preferably in capital letters and he/she shall ensure that there is a rational prescription and use of drugs”

1. Every physician means all of us
2. ‘Should’ means may and may means optional or preferable
3. Drugs with generic names means the chemical name of the drug
4. Legibly : means readable

- a. It does not mandate electronic prescription
- b. It does not mandate or it would have been shall and not should
- c. It does not include the word "only" it only manes naming the chemical name of the drug

In India. chemical generic name of the drug is available in three formats

Generic generic

Generic trade

And generic brand

All companies make all three versions. Generic brands are the costliest with no difference in quality

IMA Stand

1. Choose drugs from national list of essential medicines (They are cheaper and of quality and efficacy)
2. When writing non NLEM take consent
3. When prescribing, write the cheapest available medicine and that will always be the generic-generic version of that company
4. Best will be to write the name of the salt and the name of the company you want to choose. Nobody can stop you choosing the company for quality assurance.
5. When writing paracetamol from jan aushidhi you have to write the name jan aushidhi

No. MCI-211(2)(Gen.)/2017-Ethics/104728

Date: 21/04/2017

To,

1. Dean/Principals of all the Medical Colleges, 2. Director of all the hospitals (exclusive PG Institutions without medical colleges), 3. President, all the State Medical Councils.

5. Health Secretary of all the States.; 5. The Director of Medical Education, all States with request to ensure compliance.6. The Director of Health Services, all States with request to ensure compliance and inform about action taken.

Madam/Sir,

Your kind attention is invited to circular no. MCI-211(2)(Gen.)/2012-Ethics/145183 dated 22.11.2012 & 18.01.2013.

The said circular had called upon the doctors practicing medicine to prescribe Drugs with Generic name as far as possible.

However, the clause 1.5 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 has been amended in 2016 and notified in the Gazette of India on 21.09.2016, which reads as under:-

"1.5 - Use of Generic names of drugs: Every physician should prescribe drugs with generic names legibly and preferably in capital letters and he/ she shall ensure that there is a rational prescription and use of drugs."

All the Registered Medical Practitioners under the IMC Act are directed to comply with the aforesaid provisions of the Regulations without fail.

You are requested to give wide publicity of the above regulation to ensure that all the doctors practicing medicine under your jurisdiction comply with the regulation."

All concerned are once again urged to take necessary steps for observance of the aforesaid provision of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 in its letter and spirit.

For any doctor found violating clause 1.5 of Ethics Regulation, suitable disciplinary action would be undertaken by the concerned SMC/MCI.

Secretary MCI

IMA Comments

Should is discretionary

"All the Registered Medical Practitioners under the IMC Act are directed to comply with the aforesaid provisions of the Regulations without fail"

"For any doctor found violating clause 1.5 of Ethics Regulation, suitable disciplinary action would be undertaken by the concerned SMC/MCI"

We need to read the circular as a whole and not the first part only which is not mandated. The one which is mandated is (shall) is the second part of the clause and that is rational prescription. Only any irrational prescription can lead to an action.

The first part of the clause contains the word 'should' and not shall. Should is always discretionary.

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