

Laboratory and Physician's Malpractice in the Diagnosis Process

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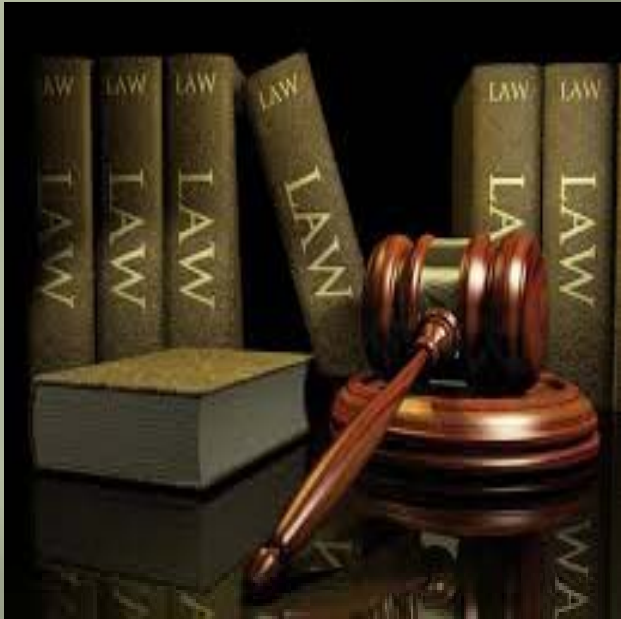
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Medical diagnostic laboratories have a very important role in public health, also the **laboratory and physician's collaboration** can be helpful and effectual in diagnoses

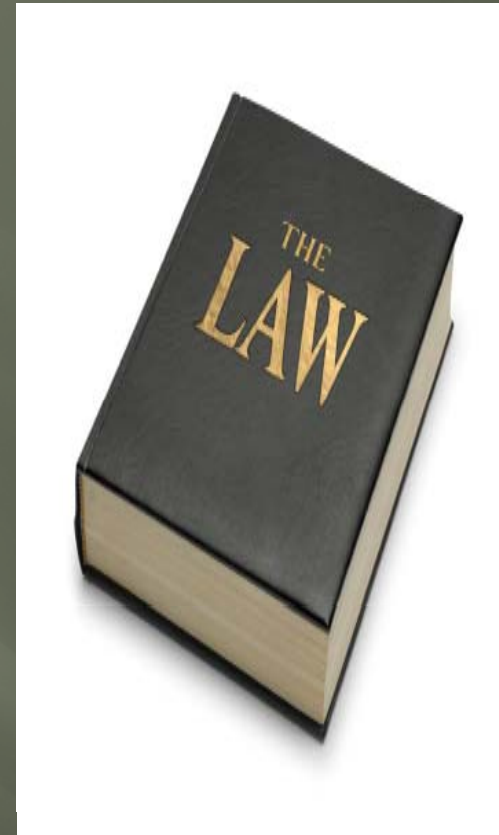


Unfortunately , sometimes there is some faults in diagnosis process. So, in this cases who can be responsible ?



According to the Civil Law of Iran the *Medical Profession Malpractice* is any abandonment or not doing one of the essential legal aspect by physician or other medical groups such as laboratory that causes sustain a loss or damage for patient

According to 616th article of Discretionary correction from 5th Code of Islamic Penal Laws malpractice will be accord when some losses or damages happen because of careless or negligence or being unprofessional at especial activity or by disregarding the states orders



According to the 319th article of previous Islamic Penal Law which legislated at 1991 any time a professional physician has done incorrect treatment in any case with or without having contact and taking evidenced exoneration the physician will be compulsory answerable so , his / her commitment was for result

according to 495th article of resent Islamic Penal Law which legislated at 2013 any time a physician causes sustain a loss or damage for patient he/she will be guarantor and should pay atonement unless his/her treatment be professional ,according to the physicians' statutes , having contact and taking evidenced exoneration ,and without any malpractice ,so according to this article the physician's commitment cannot be for result and if there be a fault it doesn't lie with the physician unless his/her shortcoming proving



But the laboratory's
commitment is for *result*
so, except in indirect
causality in diagnosis
process the fault lies with
laboratory

Conclusion :

- 1- According to the Penal Law the laboratory's commitment is for result ,but physician's commitment is for practice

2- If the physician leads the treatment according to the laboratory's diagnosis and there be a fault both of them would have been responsible

2- If the physician leads the treatment according to the laboratory's diagnosis and there be a fault both of them would have been responsible

3-If the physician leads the wrong treatment according to the laboratory's diagnosis and there wouldn't have been other ways and technics for helping the physician's right diagnosis except the laboratory, so in these cases the fault lies with laboratory

4-In any cases with the
laboratory's right diagnosis
the physician leads the wrong
treatment he/she is
condemned

Thanks For Your Attention

