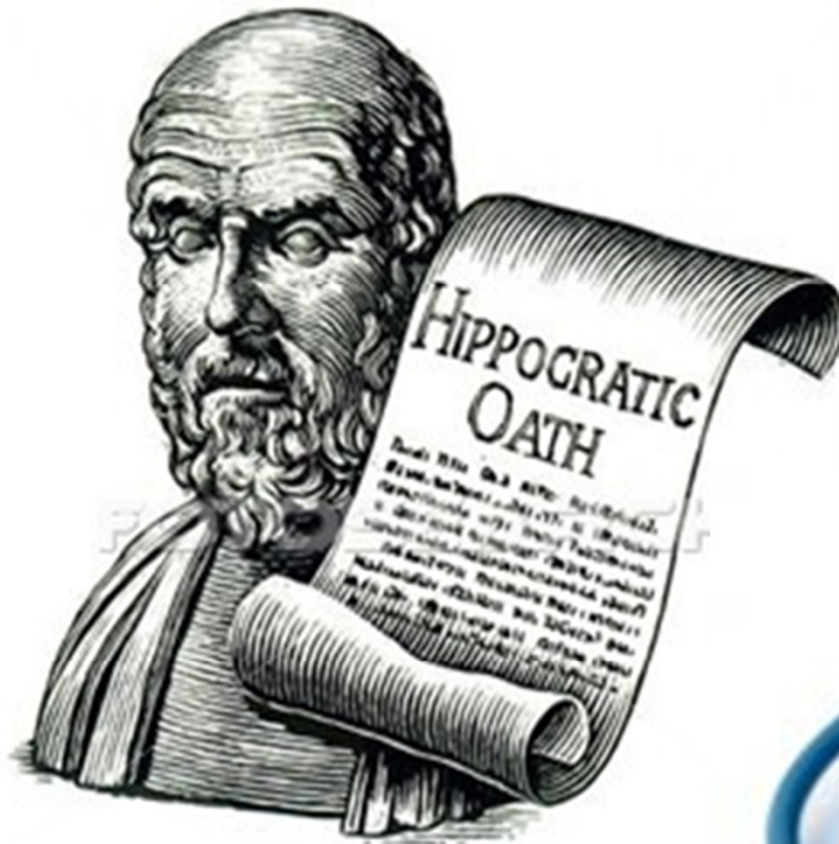


# Between Hypocrates and Temida

Баланс и защита правата на пациента и лекаря



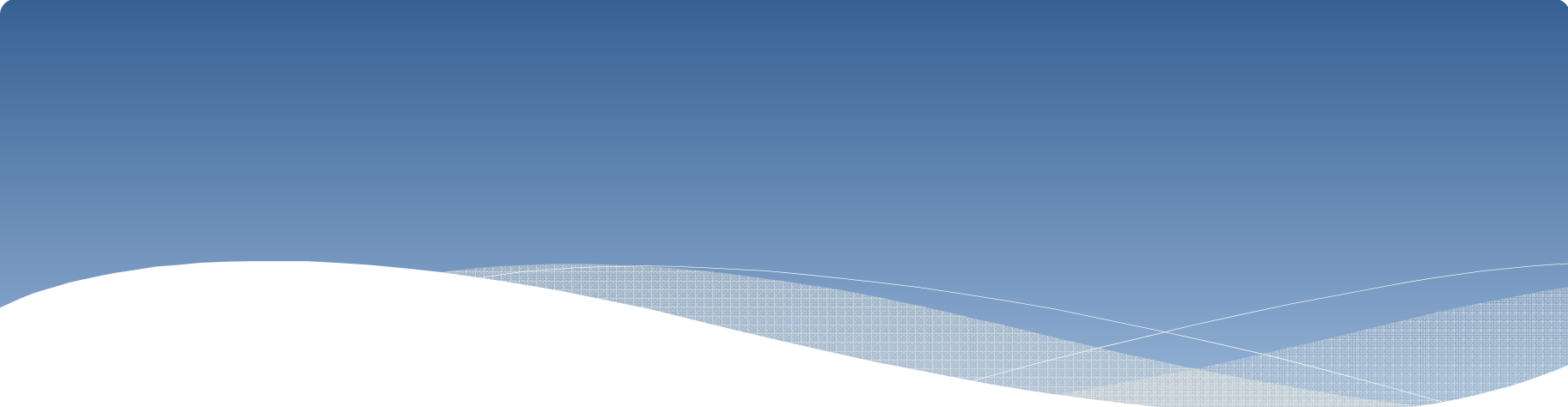
# DISCIPLINARY PROCEDURES AT BMA

**DR. PETKO ZAGORCHEV**

**Chairman of the Central Committee on Professional Ethics**

**23<sup>RD</sup> SYMPOSIUM OF CENTRAL AND EASTERN EUROPEAN  
MEDICAL CHAMBERS**

**SOFIA, 29-30 SEPTEMBER 2016**



BMA is a professional organization of the physicians in the Republic of Bulgaria, established in accordance with the Law on the Professional Organizations of Physicians and Dentists (LPOPD) of 1998.

The Constitutional Court of the Republic of Bulgaria define BMA as an organization with legal public functions to organize, control and sanction (disciplinary authority) the doctors.

There are two bodies which hold delegated rights:

A) BMA Central Committee on Professional Ethics

- Monitoring the compliance with the Rules on Good Medical Practice (RGMP);
- Giving opinion on moral, ethical, professional (medical) and deontological issues in reference to the professional practice;
- Giving opinion at the request of Committees on Professional Ethics (CPE) at the Regional Associations (RA);
- Rendering methodological assistance to the CPE at the RA of BMA.

B) The Regional CPE perform the aforementioned functions, issue statements on identified violations and recommendations for their elimination.

# WEAKNESSES OF STATUTORY FUNCTIONS


1. The managing bodies of BMA – President, Managing Board, Central CPE (CCPE), by law hold less rights than bodies elected by General Assembly;
2. CCPE holds no hierarchical rights;
3. BMA President does not hold rights to issue penalty warrants or control their issuance/failure to issue by hierarchically lower bodies.

# RESULTS:

1. Lack of decisions on complaints, at the level of RA of BMA;
2. Decisions contested by the parties but with no effects in terms of CCPE decisions;
3. Increased demands for criminal, civil or disciplinary liability.

# PROPOSALS FOR REGULATORY CHANGE :

- Amendment of LPOPD – regulating actual implementation of state-delegated functions by the Constitutional Court;
- Formulating the terms “medical error”, “medical malpractice”, “justified medical risk”, “medical failure” in the General Rules of Good Medical Practice.

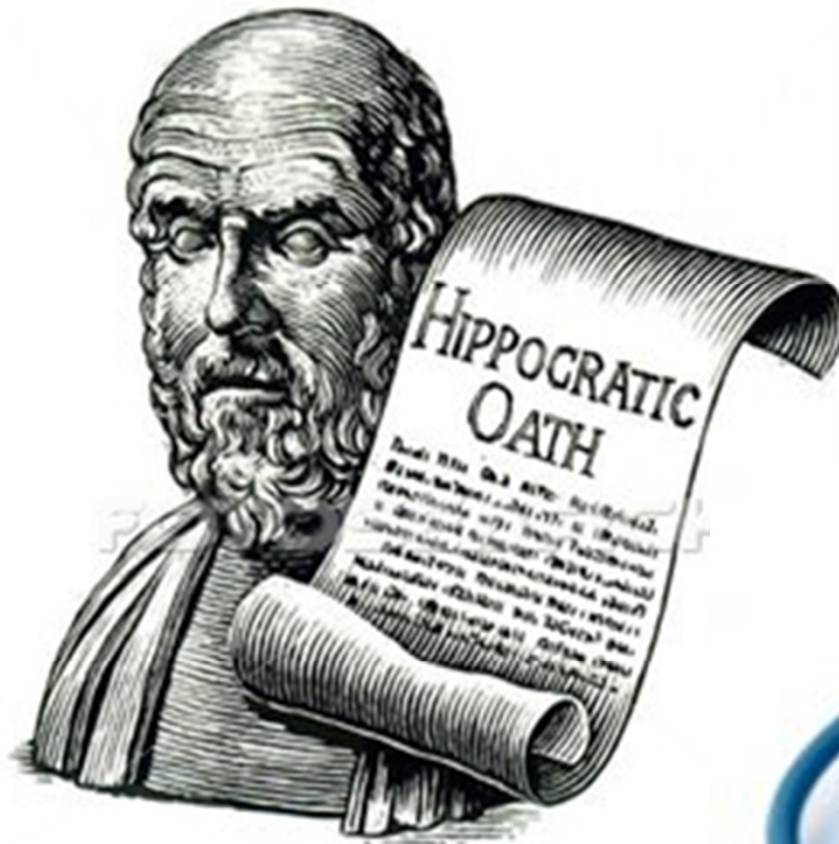
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- Developing Specialty Rules for Good Medical Practice to underlie in the decisions of the CCPE
  - Creating a national registry of medical errors/malpractice
  - CCPE should hold the right to rule in cases in which texts in Regulations or Guidelines contradict and are unacceptable in terms of the RGMP as they create conditions for medical error.



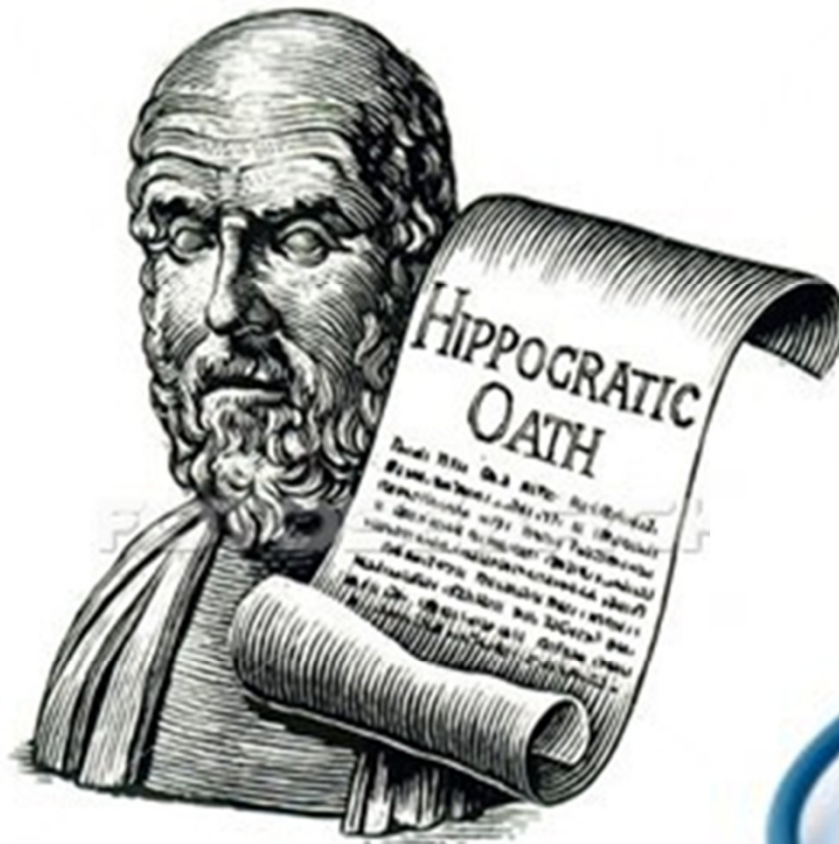
- Expanding the powers of the CCPE and the Specialty Boards to rule in cases of conflicting expert opinions of expert witnesses and personalization of medical errors.
- Regulating the rights of national consultants and the chairpersons of the specialty boards during pre-trial investigation and as expert witnesses in court proceedings.
- Amending the Statute of BMA in terms of the powers of the Central Committee on Professional Ethics.

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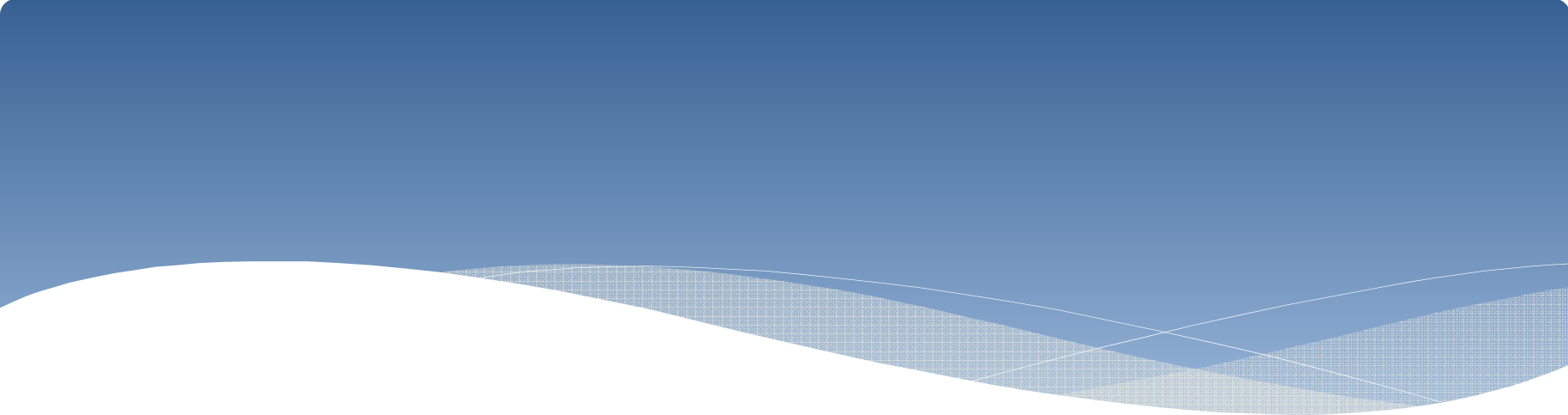


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Thanks for your attention





**THANK YOU FOR YOUR  
ATTENTION!**