

Standards of professional ophthalmological healthcare in the Czech Republic

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At present, the domestic contains only sporadic mentions concerning the standards of professional healthcare. More specific is the binding Convention on Human Rights and Biomedicine (96/2001 Coll.), which is binding for the Czech Republic and directly stipulates the obligation to perform any interventions in the field of healthcare in accordance with professional standards and obligations.

The actual process of development of standards has never been legislated in the Czech Republic, and this would perhaps not even be appropriate. What is essential is the accordance of this process with the generally accepted and scientifically verified methods of their creation, as established in the principles of Evidence-Based Medicine. Three years ago, within the framework of a grant of the Ministry of Health, the National Reference Centre called upon professional societies to co-operate on the compilation of a standard which they consider to be the most significant for their specialisation. The Czech Ophthalmological Society (COS) was actively engaged in this project. It requested the co-operation of the Czech Society for Refraction and Cataract Surgery in compiling the Standard for Diagnosis and Treatment of Adult Cataracts, which was subsequently approved as the recommended procedure by the committee of COS, or widely known as the "lege artis" procedure. In its interpretation of the term "lege artis", COS inclines towards the following definition: "The patient has the right to the

provision of healthcare services according to the regulations of science and recognised medical procedures, whilst respecting the patient's individuality, with reference to the specific conditions and objective possibilities". From this it ensues that no "standard" exists and therefore no such standard can be absolutely binding for doctors, but merely a recommendation. It is always necessary to proceed individually "whilst respecting the patient's individuality". If a doctor adheres to a number of recognised approaches, then the doctor proceeds *lege artis*. From an *ex ante* perspective it is necessary to take into consideration the objective possibilities and specific conditions which the doctor had available when deciding upon the further procedure.

In connection herewith, we shall not avoid responding to the question of what is and what is not "*lege artis*". Here it is necessary to cite the recognised ruling of the Supreme Court of the Czech Republic dated 22 March 2005 7 T to 219/2005. The term "*non lege artis*", especially in criminal proceedings, may be used for a situation which must concern failure to adhere to the framework of regulations of science and medical procedures within the limits laid down by the scope of tasks of the doctor according to working classification and the specific conditions and objective possibilities. It is always necessary to assess the procedure of the doctor "*ex ante*", i.e. on the basis of the information which the doctor had available at the time of

decision. Only a court is to competently assess the propriety or impropriety of the procedure of the doctor in a matter of the civil law liability of the healthcare facility or criminal liability of the doctor. Let us not forget that the court must judge according to the law, not according to the principle of fairness.

The Czech Ophthalmological Society has set itself the target of working progressively on standards of care in ophthalmology in the sense of the recommended procedures, and of responding to the current requirements of our field. We are well aware that what shall be paid for, when and to what extent from the recommended procedure, depends very little on a professional society. The method of utilisation of resources of public health insurance is a political matter. COS has no ambition to become an active policy maker. We are however convinced that it is worthwhile for competent representatives of a professional society to compile recommended procedures progressively and to familiarise the wider ophthalmological society with these procedures.

In addition to the aforementioned Standard for Diagnosis and Treatment of Adult Cataracts, 3 further standards have been compiled:

- **Guidelines for diagnosis and treatment of diabetic retinopathy.**
- **Guidelines for diagnosis and treatment of patients with venous occlusion.**
- **Standard of acute vitreo-retinal care.**