

Major weaknesses exposed in the Monitoring/Maintenance of standards in Medical education through the Appeal Court Judgment on SAIMT

The Association of Medical Specialists (AMS) is extremely concerned about the present crisis in the universities and the country following the recent Court of Appeal ruling regarding private medical education in Sri Lanka. Whilst the AMS is not against private medical education in our country, we are emphatic in our decision that the Sri Lanka Medical Council (SLMC) should be the formal body that decides on the standards of medical education for the purpose of registration. As a responsible medical body we are concerned about the threat to the independence of the SLMC.

We witnessed in the past many instances where the SLMC and its staff were intimidated and threatened when private medical institutions were trying to establish themselves in Sri Lanka. We regret that the authorities have turned a blind eye to these incidents. The 42 page judgment delivered by court of appeal is an eye opener in regard to the state of the monitoring and maintenance of standards in medical education in this country. Some of which needs urgent correction to assure patient safety in the Sri Lankan health system

1. The issue of compliance certificate from the relevant professional body.

Minister of higher education has issued a gazette notification no 1824/12 on 22.08.2013 requiring all non-state institutions offering degree programs in medicine to obtain a compliance certificate from relevant professional body. The SLMC has informed the court that SAIMT has no such certificate. However court observed that minister of higher education has not taken any action on this matter and he has not revoked the order.

This has exposed that minister of higher education has ignored the noncompliance of his own regulation by the SAIMT by not obtaining this certificate. In other words he, the higher education minister has permitted SAIMT to issue MBBS without obtaining the compliance certificate. This is immoral, unjustified and unethical act by the minister. This effectively removed the monitoring/scrutiny process by the professional body. This action might allow substandard institute to issue a MBBS degree. This has also created a bad precedence so that in future some other institution might demand that they also can function without this certificate.

2. The court also observed that The SLMC Inspection report on SAIMT as stated by the additional solicitor general (on behalf of AG) has NO legal basis.

This is because there are no regulations on "Prescribed Standards" needed for assessment. The only gazette available on these standards was removed on 21.10.2010 by EO gazette no1637/22.

This has virtually crippled SLMC in monitoring the standards/Scrutiny of medical degree courses. It is then obvious that SLMC cannot either approve or disapprove any degree program due to the lack of these regulations on prescribed standards. This will allow persons with substandard degrees to get "automatic" medical council registration. This will seriously put patients' lives in danger.

The combination of above factors has nearly removed all possible mechanisms of maintaining the quality of medical degree programs in this country. We strongly urge the government to make the necessary legislation to empower the SLMC to carry out its regulatory function without any external interference.

We believe that the students who are currently enrolled at SAIM should be provided with a solution to complete their education. The joint statement in this regard, made by the deans of all eight state medical faculties would provide a basis for formulating a plan for this purpose.