
Author's Reply

To the Editor,

We are very well aware of the fact that the changing current malpractice system in Turkey will be very hard and exhausting when current political, legal, and sociological perspectives are considered. Not assuming any responsibility is a tradition in the Turkish bureaucracy, and this carelessness can only be overcome by interdisciplinary work and education. Fear of penal, administrative, and pecuniary (moral/material) punishment adds a heavy psychological burden on physicians and prevents them from practicing sound clinical medicine. A physician who is held back by the multilayered punishment threat cannot normally function. When an upper respiratory tract infection treatment is in question, a multilayered punishment structure is tolerable by physicians; however, every critically ill patient deserves a fearless doctor's treatment. According to our study, which investigated the defensive medicine practice in 250 Turkish cardiologists, 11.6% were sued for malpractice claims, 6.9% of the sued cardiologists were given financial compensation fines, and 3.4% of the sued cardiologists were given an imprisonment sentence because of negligence. From the surveyed cardiologists, 132 (52.8%) reported that they had revised their practice patterns because of the fear of litigation and 232 (92.8%) reported that they would like to see implementation of our new proposed PCS instead of the current malpractice system (*author's unpublished data*). Legal claims of citizens are universal constitutional rights; however, preliminary results of our study show that a significant percentage of cardiologists unnecessarily appear in courts and change their practice patterns. Current malpractice laws are undermining many citizens with severe diseases from obtaining effective medical treatments.

Because of limited space and need for a larger body of experts to implement PCS, we had just discussed the main frame and purpose of PCS in our previous letter. Implementation of our proposed PCS requires an interdisciplinary study between doctors and lawyers and a thorough legal structure that provides patient safety and safeguards physician from unnecessary stress and exaggerated punishments. The authors' suggestions are important to avoid previous mistakes and to design a strong and functional PCS, which will be under the title of "alternative dispute resolution methods." Compared to the developed and most developing countries, it can be reported that it is too late for Turkey to have such functioning bodies to provide alternative dispute reso-

lutions and arbitration services that are alternatives to the court system. We envisage PCS as an "compulsory arbitration board," which is a stronger body than the previously abrogated "conciliation board." A stronger PCS board would regulate penal, administrative/disciplinary, and pecuniary responsibility areas. Moral and material damages will also be resolved under a single entity in PCS. Regarding the patients' right to recourse to judicial review, a strong legal foundation can be established, and jurists who are expert in health law will be required to be part of PCS to provide an independent, impartial, and compulsory arbitration board. The foundation of PCS can be laid from similar compulsory arbitration boards in Turkey, and jurists who are experts in health law need to be educated in the medical law division of law faculties. Patients can leave compulsory arbitration board and follow ordinary court procedures as a basic constitutional right but courts generally accept autonomous arbitration court's decisions.

We believe that PCS is a stronger body than the previously abrogated "conciliation procedure" and its mainframe structure and purpose should not be changed by auxiliary regulations. Although the PCS system includes legal and structural deficits, we believe that discussing this subject will increase awareness, which might be a good start for preventing physicians from discontinuing traditional and solution-targeted medical practice. As distinct from comments of lawyers, the involvement of physicians similar to us who experience this problem in person would help in the development of new systems. We thank the authors for their suggestions, which can help the implementation of our proposed PCS.

Ayhan Olcay, Gamze Babür Güler¹, Ekrem Güler¹, Kıvanç Yalın
Department of Cardiology, Bayrampaşa Kolan Hospital, İstanbul-Turkey
¹Department of Cardiology, İstanbul Medipol University, İstanbul-Turkey

Address for Correspondence: Doç. Dr. Ayhan Olcay
Bayrampaşa Kolan Hastanesi, Kardiyoloji Bölümü,
İstanbul-Türkiye
E-mail: drayhanolcay@gmail.com
