

Ask the Ethicist: Responsibilities of the On-Call Ophthalmologist

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Q: *I was recently called by the ER at my local hospital regarding a 67-year-old female patient with sudden, painless visual loss in one eye. I am a neuro-ophthalmologist and was not on call. The ER physician explained that the on-call ophthalmologist refused to see the patient saying that he felt the problem described fell outside his area of expertise. I went to the ER and examined the patient—she had a central retinal artery occlusion. Proper follow-up care was arranged. I am upset about how things unfolded with the on-call doctor and would like to know what my obligations are in comparison.*

A: Your ethical obligation was to act in the best interests of the patient, which you did. Depending on your contract with the hospital and the hospital's medical staff bylaws, your legal obligations were likely limited or nonexistent since you had no preexisting physician-patient relationship. By refusing to act, your colleague risked failure to uphold both his ethical and legal obligations to care for the patient within his capabilities. In addition, when deciding to avoid the patient, he relied on information from the ER physician who was not qualified to determine the cause of visual loss.

The legal considerations surrounding on-call arrangements, hospital privileges and state and federal laws and regulations are complex. Although the Emergency Medical Treatment and Active Labor Act is primarily directed at hospitals, a physician who fails to respond to an emergency situation when he is the on-call physician is also at risk of penalties. Overall, the consequences of inappropriate or ineffective ER coverage include ineffective emergency services, delays in patient care and greater numbers of patient transfers.

You should discuss this matter with your hospital staff and an experienced health care attorney to improve your and your colleagues' understanding of the ethical and legal requirements of on-call service and to better collegiality among local physicians.

For more information or to submit a question for this column, contact the Ethics Committee staff at ethics@aao.org. To read the Code of Ethics, visit www.aao.org/about and click "Ethics" and "Code of Ethics."