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Title:

**Investigating ethical considerations, legal status and identifying the factors
of resorting to defensive medicine and its prevalence in Iran**

Dissertation to receive a specialized doctorate degree in the field of medical ethics

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Abstract

Introduction: Defensive medicine is practicing measures by a physician which have no medical indication and no benefit for the patient. (Which is called positive defensive medicine) or avoiding practicing risky measures which have medical indication and benefits for the patient (known as negative defensive medicine). These measures are practiced by the physician's motivation to protect himself against legal complaints or tensions such as patients, companions and colleagues protest, aggression or blaming. Defensive measures can cause physical and psychological harm to the patient or impose unnecessary costs on the patient or the organization that pays for the treatment, such as insurance organizations. In many cases, defensive medicine is in conflict with accepted ethical standards, such as respecting the patient's right to make decisions, the necessity to obtain informed consent, no harm, and the necessity to prioritize the patient's health and well-being, and in most cases, it is not morally justified.

Purpose: The purpose of this study is to examine the ethical considerations and challenges in practicing medical interventions with defensive motivation, legal status, identifying examples, factors and contexts of defensive medicine and its prevalence in Iran, as well as designing a tool to evaluate physicians' attitudes and performance and also some of the main examples of defensive medicines prevalence among Iranian physicians.

Method: This study has four stages including: 1- Literature review 2- Qualitative study 3- Instrumentation 4- Quantitative study.

1-Literature review: In this step, an unsystematic search for related keywords was done.

2- Qualitative study: After receiving permission from the Research Ethics Committee of Tehran University of Medical Sciences with code IR.TUMS.MEDICINE.REC.1399.731, a semi-structured interview method was conducted, in which 43 main stakeholders who were selected by purposive sampling were interviewed, and the results were analyzed and evaluated by means

of directed content analysis, organizing focused group discussion sessions and asking professors' opinions.

3-Instrumentation: Using the results obtained from the literature review and qualitative study, the necessary instrument was developed in order to measure the attitude and performance of physicians towards defensive medicine and to evaluate its prevalence among Iranian physicians. Then, the validity and reliability of the construct was evaluated, and finally, after removing or changing a number of questions, the desired tool was approved.

4-Quantitative study: With the help of a tool prepared in order to receive the opinions of clinical physicians, an electronic questionnaire that included 50 main questions and 17 demographic questions, by using Porsal software and the text message system of the Iranian Medical council, first it was sent, as a test, to clinical physicians in Sari city and then it was sent to all physicians of different clinical fields, working all over the country who had at least two years of experience, and finally 3239 physicians answered the relevant questions. The information obtained in this way was analyzed by SPSS software.

Results: In the first and second part of the study, the factors and contexts of practicing defensive medicine, related examples and strategies to manage and reduce it were identified. The total number of items obtained related to factors and contexts was 61 items, examples were 29 items, and strategies to manage and reduce defensive medicine was 57 items. In the third and fourth part of the research, after preparing the designed tool and using it, the clinical physicians' attitude towards defensive medicine, the prevalence of defensive medicine, the factors and contexts that cause it and the desired examples were evaluated and the results were analyzed.

Discussion and conclusion: Defensive medicine is a phenomenon with various dimensions and aspects, and in terms of its consequences and effects on the health system and patients, it has special importance. According to the definition given that one of the important defensive indicators of considering medical measures and interventions is the existence of the purpose and motivation of self-defense and protection among physicians, a complete and correct understanding of the various aspects of defensive medicine requires full attention to .There are various and complex factors, structures and contexts that are effective in its occurrence. The

damage caused to the patient and the heavy treatment costs caused by defensive medicine make the officials of the health system think to find a solution to manage and reduce it. The implementation of the desired solutions includes a large number of stakeholders at the top levels of the three powers, in different areas of policymaking and lawmaking, as well as organizations that are directly in charge of the health system, including the Ministry of Health and Medical Education. The important point is that the main factor of practicing defensive measures should be followed in the policies and laws governing the health system, because physicians often believe that practicing defensive medicine is to protect them against complaints due to complications, possible risk of harm in the future and according to them it is a morally justified and legitimate measure.

Key words: defensive medicine, medical ethics, medical law, Iran