

ETHICAL ISSUES IN MEDICO LEGAL EXPOSURES

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The Medical Exposure Directive (MED), 97/43/Euratom, defines medico-legal procedures as 'procedures performed for insurance or legal purposes without a medical indication'. It has become clear since the introduction of the MED that the definition of a medico-legal exposure is incomplete. While medico-legal exposures may be exposures without a medical indication, they are not only performed for insurance or legal purposes. The term 'medico legal exposures' covers a wide range of possible types of exposures, very different in nature, for which the only feature in common is the fact that the main reason for performing them does not relate directly to the health of the individual being exposed to ionising radiation.

The difficulties in the implementation of the provisions on medico-legal exposures in Directive 97/43 are evident. In trying to implement the MED, there has been a varied approach adopted by Member States on this issue. It is clear that considerable diversity exists, in Europe, as to what is regarded as a medico-legal as opposed to a medical or even an occupational exposure. There is a need for Member States to give a clear definition as to what constitutes a medico-legal exposure and having done so, there is then a need to identify those exposures that can in principle be justified and those that can never be justified.

The key issue in medico-legal exposures is justification. Balancing the advantages and disadvantages of such exposures is complex, because not only can these be difficult to quantify and hence compare, but often the advantage may be to society whereas the disadvantage is usually to an individual. This adds an additional layer of complexity to the problem and one which requires input from a number of sources beyond the established radiation protection community.

Because medico-legal exposures are considered to be medical exposures, they are not subject to dose limits. In medico legal exposures where the benefit is not necessarily to the individual undergoing the exposure, the question must be asked as to whether or not this is an appropriate framework within which to conduct such exposures.

This paper looks at the current situation in Europe, highlighting some of the particular problems that have arisen and tries to identify the areas, which require further clarification and guidance.

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