



Legality of General Physicians in Ultrasound Examination in Daily Practice

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ABSTRACT

Ultrasound is something technology that can describe in body somebody. If There is identified complications, then can done more handling fast. Basically doctor In general, you can perform an ultrasound on the patient. But since appearance Regulation Minister Health Number 24 of 2020 concerning Service Radiology Clinic, doctor specialist or doctor general own authority very limited to facility radiology including ultrasound. Based on the problems mentioned above, researchers see exists problem that is where general practitioners currently have very limited authority to provide ultrasound health services to patients. In practice, from the research results it can be seen that based on Regulations Minister Health Number 75 202 3 concerning technical instructions for the use of ultrasound equipment for general practitioners in primary care. It is currently legal for general practitioners to perform ultrasound provided that the general practitioner Already follow education And training standardized for basic ultrasound limited because of someone doctor said has competent in do basic ultrasound examination limited when has follow education And formal ultrasound training (during education doctor) or through recognized workshops by Ministry Health and POGI (USG Working Group) and Then obtain certificate.

Keywords : Ultrasound , general practitioner, legality

Introduction

Health is indicator For measure success development humans, and naturally without health man no will productive for life worthy in a way economical and undergo good education too, health is right basic man and wrong one element welfare is a must realized in accordance with dream nation Indonesia as intended within Pancasila and Constitution Basic 1945. Service quality health is something need necessary basis every member community, service health carried out profession medical must be in accordance with standard profession, standard procedure operational And need medical patient in carry out practice medicine, because profession doctor is someone who has science Aand skills for heal sick people . Doctor as someone who has knowledge in the field medical own authority and permission as it should For carry out service health And inspect as well as treat incoming patients to him according to provisions in the field law service health (Ricky, 2020). Doctor is scientists who have educated in a way professional for give help And service medical to people who need it. Education medical has equip the participants his education with knowledge (*knowledge*), skills (*skills*), and professional behavior (*professional attitude*) so that they become competent doctors and professional, always give help to each other (Heri, 2018). Doctor as Wrong One component main giver service health to public have very role important Because related direct with giving service health And quality services provided . Base main for doctor For can do action medical towards other people is

knowledge, technology, and competencies possessed, acquired through education and training. Doctor with device the knowledge he has have distinctive character. Its peculiarity this seen from justification given by law that is allowed do action medical to body man in effort look after and increase degrees health (Dhimas, 2019). Profession doctor is profession that has objective glorious for public. Because objective profession the is give protection to patient, maintain and increase quality service medical treatment provided by doctor and doctor teeth, and give certainty law to society, doctors and doctor teeth (Nur Laily, 2020). Regulation legislation field health state that doctor get protection law in operate practice medical throughout held in accordance with standard service, standard profession, and standard procedure operational (Ministry of Health, 2022). One of facility screening support for support effort service health is ultrasound or regular called ultrasound. Ultrasound is something technology that can describe (image) in body somebody. If There is identified complications, then can done more handling fast and planned (Ingan, 2019). Ultrasonography (USG) is tool inspection with using ultrasound (waves sound) emitted by transducer. Ultrasound use sound ultrasonic which has frequency more from 20 kHz. Technique This utilise draft reflection sound. Voice is phenomenon physics For transfer energy from One point to another point. Moment sound fired to organs, then large organs will reflect sound (Private, 2018). Some have coefficient reflection big and some are small. This is what it will be produce image or picture. With high frequency in this case, ultrasound is used equipment diagnostic because can showing internal organs body man it's good to be quiet or moving, ultrasound works with method emit wave *ultrasound* through A *transducer* with gel intermediate media, then wave the *ultrasound* will reflected return in form picture in a monitor scree. So that We can look at the internal organs we are monitored and can quick know abnormality what happened (Integra, 2023).

Research Methodology

Ultrasound or ultrasonography is a non-invasive diagnostic method using high frequency sound waves. The goal is to create images of the internal structure of the human body. The ultrasound process involves the use of a device called a “transducer”. This tool produces ultrasonic sound waves. These sound waves are applied to the area of the body that you want to examine. When sound waves reach the boundaries between tissues in the body, some of the waves are reflected back to the transducer. This reflection data is then converted into an image by a computer. Because of this reflection, doctors can see the internal structure of the body in detail on the monitor screen. Through this examination, doctors can determine disorders of the human body's internal organs (NHS, 2023). Inspection with ultrasound safe to use Because wave ultrasonics used no will damage the material. Because ultrasonic is wrong one wave mechanic, then inspection ultrasound called testing not destructive (*non-destructive testing*). Ultrasound can measure depth something thing below surface skin through hose time emitted until reflected return wave ultrasonic. Imaging diagnostic with using ultrasound is stated safe even for a Mother pregnant though, because ultrasound uses wave voice frequency high which is not can heard humans, ultrasound is safe, non- invasive, and no involve exposure radiation, so often used also in medical diagnosis, esp for examine organs such as liver, kidney, bladder urinary, uterine, ovary, heart, and vessels blood (Nasrudin, 2020). *Ultrasonography* (USG) is Wrong One from product technology *medical imaging* that can used For monitor organs in the body. *Medical imaging* is something technique used for imaging part in organs or something network cells (*tissue*) on body without make incision or wound (*non-invasive*). Basically doctor In general, you can perform an ultrasound on the patient. But since appearance Regulation Minister Health Number 24 of 2020 concerning Service Radiology Clinic (next abbreviated candykes service radiology clinic), doctor specialist or doctor general own authority very limited to facility radiology including Ultrasound (Inda, 2020). Based on the problems mentioned above, researchers see exists problem that is where general practitioners currently have very limited authority to provide ultrasound health services to patients. From these facts, researchers want to know about the legality of general practitioners in ultrasound examinations in daily practice.

Results and Discussion

Legality of General Practitioners in Ultrasound Examinations in Daily Practice

Moment this Where awareness law public the more increase where public will more realize will his rights, and on the other hand, energy health especially doctor and nurse sued For carry out his obligations And task his profession with more be careful And full not quite enough answer. This matter supported exists various product regulation governing legislation about system service nursing is increasing clear demand power health work in a way professional, and when happen violation will impact on possibility confronted on demands ethics, criminal or lawsuit change loss (civil) (Sulaiman, 2020). Ultrasonography (USG) is tool inspection with using ultrasound (waves sound) emitted by transducer. Ultrasound use sound ultrasonic which has frequency more from 20 kHz. Technique This take advantage draft reflection sound. Voice is phenomenon physics For transfer energy from One point to another point. Moment sound fired to organs, then large organs will reflect sound. Some have coefficient reflection big and some are small. This is what it is produce image or picture. With high frequency in this case, ultrasound is used equipment diagnostic Because can showing internal organs body man it's good to be quiet or moving (Oka,

2019). In Minister of Health Decree explain that ultrasound is part from radiology type image diagnostic and who is responsible in implementation And reading is doctor specialist radiology and doctor other based on defined competencies. If speak about ultrasound competency in basically there is in Standard Competence Indonesian Medicine, where two rule the give information that doctor general can do an ultrasound. In other words, actually a doctor general And when you graduate own competence (ability) to do And reading ultrasound. However on 2020, Minister of Health Decree the revoked with Minister of Health Regulation Service Radiology Clinic, where regulation minister the explain that source Power man in service radiology can carry out And read is doctor specialist radiology . In matter facility service health Not yet own doctor specialist radiology , doctor or doctor other specialists with authority addition can give service radiology clinic pratama. Authority addition this obtained through training And proven with certificate from collegium radiology. After that doctor the still supervised by doctor specialist radiology. This matter done with reason security use tool radiology. With exists candykes service radiology applicable clinic on 2020 delivers authority limited for general practitioners and doctor specialist midwifery and content or known with abbreviation SpOG in do ultrasound services . This matter show exists nonconformity with Constitution Health that is :

1. Constitution health ensure availability power. Temporary Minister of Health Regulation Service Radiology Clinic 2020 is limiting authority general practitioners And doctor SpOG in do ultrasound services. Minister of Health Regulation This require all useful examination ultrasound technology (which currently This done by more from 25 thousand doctor specialis) under supervision and supervised by specialist radiology (at This amount around 1500 people). Explained Again that authority For write ' *expertise* ' or results complete ultrasound examination field specialist There is on a specialist radiology. Whereas clear that from facet education, science, and experience, one specialist midwifery and content will more know about disease And abnormality on ovaries or ovaries egg the patient is suffering disturbance cycle menstruation , compared with doctor specialist radiology
2. Minister of Health Regulation Service Radiology Clinic 2020 also did series restrictions authority with reason security Because impact use tool radiation. Where as stated above, ultrasound is something tool safe radiation used even for Mother pregnant though and doctor general and doctor SpOG own competence related matter That . It means though no there is restrictions authority that actually general practitioners and doctor SpOG for matter that. Especially moment This with sophistication technology Already ultrasound found like smartphone size .

Based on the decision of the Minister of Health of the Republic of Indonesia Number HK.01.07/Menkes/75/2023 concerning instructions technical use tool ultrasound said that a doctor commonly said has competent in do ultrasound examination if has follow education and formal ultrasound training (during education doctor) or through recognized workshops by Ministry Health and POGI (USG Working Group) and Then obtain certificate . Qualification the important in the referral process tiered and aspect medicolegal. Ultrasound competency for doctor general later find abnormality on inspection so continue reference inspection to specialist doctor. Inspection at the doctor level specialist Also done in a way tiered in accordance tiering competence that is basic, intermediate, and carry on . Every results ultrasound examination was documented and archived with good (in Indonesia kept for a minimum of 5 years) as well include identity patient, date inspection, name and place inspection and archived. Before do ultrasound examination, doctor explain why done, what will complained, what was expected from inspection and plan furthermore. Good communication between doctor And patient can help prevent problem medicolegal. Basically, the provisions that have been set by the government must be carried out by doctors because they exist generally doctor hold not quite enough answer as you can categorized as into 3 (three) categories, namely : (1) responsibility administration (2) responsibility civil (3) bear it answer criminal

On in essence law administration that is governing law action government and arrange connection between government And inhabitant country or connection between government organs (Ridwan, 2011). Law administration present as form protection and guarantee maintenance service maximum health. Not quite enough answer doctor based on law administration the country in question is that doctor as inhabitant running country his profession must guided on law administration country especially related ones And applies for profession medicine, for example related with licensing before doctor can do medical practice, procedures place practice and etc. It said doctor violate law administration country (*administrative malpractice*), namely reflected from action doctor If operate practice medical without permission , do action medical that is not in accordance with permission you have , do it practice with use permission already expired. Underlying thing exists regulations Law No. 36 of 2009 concerning Health , Article 23 paragraph (3) states that “ Deep organize service health, energy health must own permission from government ” and Article 24 paragraph (1) “ Health workers as intended in Article 23 must fulfil provision code ethics , standards profession , rights user service health, standard service, and standard procedure operational ”. Next, divide doctor matter the arranged more carry on in RI Minister of Health Regulation 512/2007 Article 2 paragraph (1) " every doctor And doctor teeth that will do practice medical must has SIP, meanwhile for power nursing arranged in Minister of Health Regulation No.HK.02.02/MENKES/148/I/2010 Article 3 paragraph (1) which states

that every running nurse practice must have a SIPP.” Acceptable consequences if doctor in operate practice his medicine without permission practice arranged in the Practice Act Medicine, Article 76 reads “ every doctor or doctor teeth that with on purpose do practice medical without own letter permission practice as intended in Article 36 is punished with criminal imprisonment for a maximum of 3 (three) years or maximum fine Rp . 100,000,000.00 (one hundred million rupiah)”. As for beside criminal prison and fine , gift penalty administrative form warning (verbal or written), transfer task , decline position And delay increase rank until dismissal. Law civil law in question in something accountability action medical is exists element compensation If in something action medical there is something negligence or mistakes made by power medical . Law civil this too linked with fill Constitution Republic of Indonesia Number 36 of 2009 Article 29 which states that ” “ *In matter power health allegedly do negligence in operate profession , negligence the must resolved moreover formerly through mediation .* ” Not quite enough answer criminal form penalty in practice health there is in Law No. 36 of 2009 concerning Health on Article 190 - Article 200, as explained following (Dian, 2018) :

1. Article 190: “ Leadership facility service health and / or power health does practice or work on facility service health which with on purpose no give help First to deep patient circumstances terrible emergency convicted with criminal imprisonment for a maximum of 2 (two) years and a maximum fine of IDR 200,000,000.00 (two hundred million rupiah), if result happen disability or death convicted with criminal imprisonment for a maximum of 10 (ten) years and a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).”
2. Article 191 states that : “ without permission do practice service health traditional use tool And technology so that result loss treasure objects , wounds heavy or death convicted with criminal imprisonment for a maximum of 1 (one) year And a maximum fine of IDR 100,000,000.00 (one hundred million rupiah).”
3. Article 192, that : " intentionally buying and selling organs or network body with pretext anything is punished with criminal imprisonment for a maximum of 10 (ten) years And a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).”
4. Article 193: “ Intentionally do surgery plastic and reconstruction For objective change identity somebody threatened with criminal imprisonment for a maximum of 10 (ten) years And a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).”
5. Article 194 states : " intentionally do abortion no in accordance with provision convicted with criminal imprisonment for a maximum of 10 (ten) years and a maximum fine of Rp . 1,000,000,000.00 (one billion rupiah).”
6. Article 195 states : " Everyone who with on purpose buying and selling blood with pretext whatever convicted with criminal longest prison time 5 (five) years and a maximum fine of IDR 500,000,000.00 (five hundred million rupiah).”
7. Article 196: “Intentionally produce or distribute preparation pharmacy and / or tool health is not fulfil standard and / or condition safety , efficacy or usefulness , and quality convicted with criminal imprisonment for a maximum of 10 (ten) years And a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).”
8. Article 197 contains about someone on purpose produce or distribute preparation pharmacy and / or tool health is not own permission circulate convicted with criminal imprisonment for a maximum of 15 (fifteen) years And a maximum fine of IDR 1,500,000,000.00 (one billion five hundred million rupiah).”
9. Article 198: “Everyone who does not own skill And authority for do practice pharmacy convicted with criminal a maximum fine of IDR 100,000,000.00 (one hundred million rupiah).”
10. Article 199, “intentionally produce or enter cigarette to in territory of the Unitary State Republic of Indonesia with No include warning health shaped picture as intended in Article 114 is punishable imprisonment for a maximum of 5 (five) years And a maximum fine of IDR 500,000,000.00 (five hundred million rupiah); Everyone who with on purpose violate area without cigarette as intended in Article 115 is punished a maximum fine of IDR 50,000,000.00 (fifty million rupiah).”
11. Article 200: “ Everyone who with on purpose obstructing the breastfeeding program Mother exclusive as intended in Article 128 paragraph (2) is punishable imprisonment for a maximum of 1 (one) year And a maximum fine of IDR 100,000,000.00 (one hundred million rupiah)”
12. Article 201, “ In matter follow criminal as intended in Article 190 paragraph (1), Article 191, Article 192, Article 196, Article 197, Article 198, Article 199, and Article 200 is carried out by corporation , besides criminal prison And fine to management , criminal penalties can be imposed dropped to corporation form criminal fine with weighting 3 (three) times criminal fine as intended in Article 190 paragraph (1), Article 191, Article 192, Article 196, Article 197, Article 198, Article 199, and Article 200.
 - a. retraction permission business ; and / or
 - b. revocation of legal entity status (Rospita, 2020).

Conclusion

Ultrasonography (USG) is tool inspection with using ultrasound (waves sound) emitted by transducer. In

practice, from the research results it can be seen that based on Regulations Minister Health Number 75 202 3 concerning technical instructions for the use of ultrasound equipment for general practitioners in primary care. It is currently legal for general practitioners to perform ultrasound in daily practice provided that the general practitioner Already follow education and training standardized for basic ultrasound limited because of someone doctor said has competent in do basic ultrasound examination limited when has follow education and formal ultrasound training (during education doctor) or through recognized workshops by Ministry Health and POGI (USG Working Group) and Then obtain certificate . Qualification the important in the referral process tiered And aspect medicolegal . Because basically when you graduate you are a general practitioner own competence (ability) to do And reading ultrasound .

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