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Interpreting the rights in the NHS constitution

Commenting on the new NHS constitution,¹ Health Secretary Alan Johnson said “it will no longer be acceptable for a doctor to prescribe painkillers for back pain, for example, without explaining alternatives like physiotherapy where appropriate.”² A senior Department of Health source added: “Gone will be the paternalistic days of being told by the doctor that you can’t have physiotherapy for your back pain, or referral to an orthopaedic consultant.”³

Although the principle of informed consent is sound, the health secretary’s example is poor. Much back pain is non-specific and self-limiting. Prescribing painkillers (in the form of anti-inflammatory drugs) may be an appropriate first line treatment, and discussing alternatives such as physiotherapy may encourage uptake of comparatively costly interventions. Rather than sending patients with non-specific musculoskeletal pain on a merry-go-round of frequently fruitless referrals, general practitioners are better advised to encourage an early return to work.⁴ Indeed, other government initiatives seek to strengthen general practitioners’ gatekeeper role in sickness absence—for example, by replacing sick notes with electronic wellness notes.⁵

It would be a great shame if the rights enshrined in the new constitution were interpreted in a way that undermined general practitioners’ capacity to treat common ailments pragmatically.

Elaine S Heaver PhD student, Centre for Pain Research, School for Health, University of Bath, Bath BA2 7AY
e.s.heaver@bath.ac.uk

David Wainwright senior lecturer in health services research, School for Health, University of Bath, Bath BA2 7AY

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- 2 Carvel J. NHS constitution ends era of “doctor knows best.” www.guardian.co.uk/society/2009/jan/21/nhs-constitution-rights-treatment (accessed 2 February 2009).
- 3 Smith R. Gordon Brown signs first NHS constitution. www.telegraph.co.uk/health/healthnews/4305861/Gordon-Brown-signs-first-NHS-constitution.html (accessed 2 February 2009).
- 4 Waddell G, Burton AK. *Is work good for your health and wellbeing?* London: TSO, 2006.
- 5 Black C. *Working for a healthier tomorrow.* London: TSO, 2008.

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