



# ETHICAL ISSUES IN MENTAL HEALTH CARE

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# Disclosure

“There are no significant or relevant financial relationships to disclose.”



## History: Evolution of the Code of Ethics

- Oath of Hippocrates
  - 5<sup>th</sup> Century, BC
- Thomas Percival
  - 1803
- American Medical Association
  - 1847
  - APA adheres to AMA Principles of Medical Ethics with annotations for psychiatry



## Contemporary Application

- AMA Principles of Medical Ethics
- Code of Medical Ethics of the Council on Ethical and Judicial Affairs

Sources of guidance for responsible professional medical behavior, as well as the primary compendium of medical professional value statements in the U.S.



# CEJA

## CEJA

- Opinions
- Reports

## Distinction between LAW and MEDICINE



## Principals and Opinions

Boards of Medicine, Attorneys and Judges have shown an increasing willingness to look at Principles and Opinions as a predicate for legal advocacy and decision-making in matters of health care law and litigation



## Nine Principles of Medical Ethics

# Nine Principles of Medical Ethics (attached)

Not all laws, but standards of  
conduct defining honorable behaviors  
of physicians





## Current Ethical Issues

### (Practical Implications)

- Privacy/Confidentiality (3.1.1)
- Patient Abandonment/Termination (1.1.5)
- Prescribing for Pain
- Gifts from Industry (9.6.2)
- Self-Treatment or Treatment of Family Members (1.2.1)





## Other Contemporary Ethical Issues

- Reporting of impaired colleagues (9.3.2)
- Informed consent/shared decision-making (2.1.1)
- Boundary violations (9.1.1)

Professionalism in the Use of Social Media (2.3.2)



## Patient Privacy/Confidentiality

### Principle IV

A physician...

shall safeguard patient confidences  
and privacy within the constraints of  
the law.

State confidentiality law

Federal confidentiality law (HIPAA)

### Confidentiality



## Termination of Physician-Patient Relationship

Obligation to provide continuity  
of care

"While physicians have the option of withdrawing from a case, they cannot do so without giving notice to the patient... sufficiently long in advance of withdrawal to permit other medical attendant to be secured."



## Prescribing for Pain

# Prescribing for Pain

- Balancing of interests
- Preventing addition/diversion
- Avoiding abandonment



## Gifts from Industry

### (9.6.2) "Gifts to Physician from Industry"

- Any gifts accepted should directly benefit patients and be of minimal value
- Disclosure of conflicts of interest
- Sunshine Act (ACA, federal)



## Social Media

# Professionalism in the Use of Social Media (2.3.2)

Facebook: Patient confidentiality  
Privacy settings  
Boundary issues

On-line searches





## Self Treatment

### Self-Treatment or Treatment of Immediate Family Members

- Physicians generally should not treat themselves or members of their immediate families
- Professional objectivity
- Not always inappropriate
  1. Emergency cases
  2. Isolated settings
- Except in emergencies, it is not appropriate for physicians to write prescriptions for controlled substances for themselves or immediate family members





## Ethical Deliberations

# Ethical Deliberations

- Ethics consultations
- Institutional Ethics Committee
- Institutional Review Boards (IRB's)



Questions?

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