

# AAPM Spring Clinical Meeting 2016

Ethical Issues in Medical Physics  
Business

# Learning Objectives

1. To appreciate the differences between the major schools of ethical thought.
2. To gain an overview of the content of the AAPM Code of Ethics.
3. Through discussion with colleagues, develop approaches to recognizing and responding to ethical issues in our professional lives.

# AAPM Code of Ethics

## Preamble

The following Principles of the American Association of Physicists in Medicine (AAPM) are core values intended to aid all members and affiliates to act in an ethically professional manner. The Principles are not a set of laws, but standards of ethical conduct. The Principles provide a framework for members and affiliates to conduct themselves with respect to patients, colleagues, and the public. Corporate affiliates shall abide by these same ethical principles, where applicable.

# AAPM Code of Ethics Guidelines

These Guidelines are intended to assist members and affiliates to interpret and implement the Principles. The Guidelines cannot be all-inclusive, so members and affiliates should refer to the Principles for situations not specifically addressed in the Guidelines.

# AAPM Code of Ethics Guideline

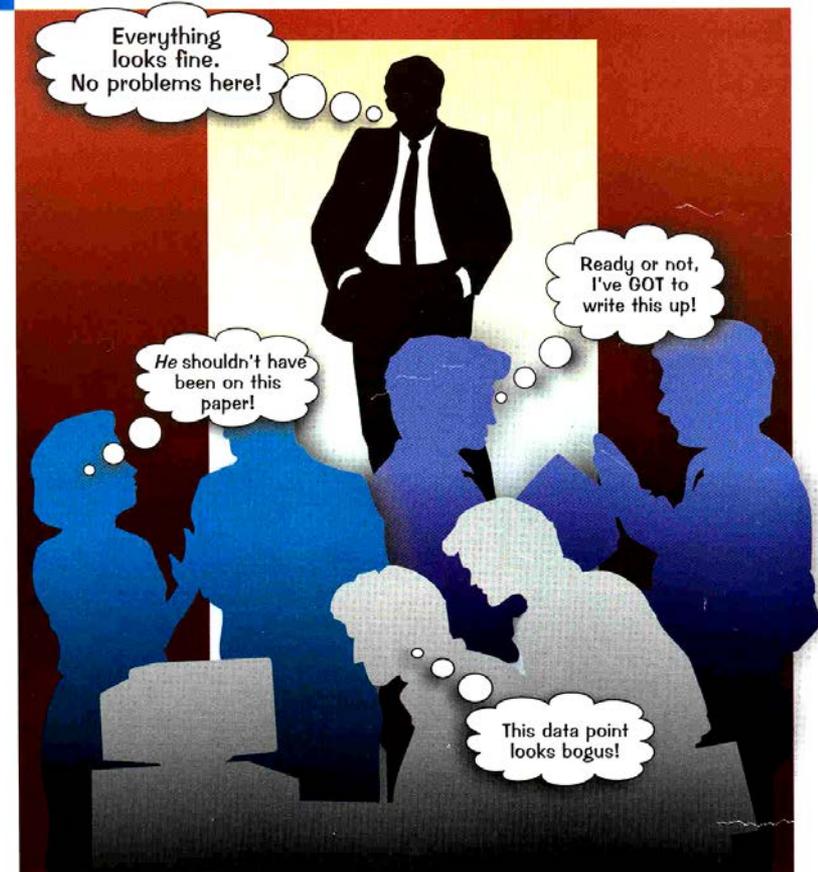
- I. Professional Conduct
- II. Research Ethics
- III. Education Ethics
- IV. Business/Government Ethics**

# AAPM Code of Ethics (2008): Guidelines

- Section IV: Business/Government Ethics
  - A) Seeking or changing jobs
  - B) Employment investigation
  - C) Vacating a position
  - D) Relationships with recruiters
  - E) Corporate affiliates and member relations
    - Relationships with medical physicists
    - Sponsorship of research
    - Member conflict of interest
    - Gifts or kickbacks.
    - Sales, marketing, advertising
    - Confidentiality

NOVEMBER  
2004

# PHYSICS TODAY



\*\*\*\*\* FIRM 32224

Speaking out on ethics

One finding of the APS survey:  
People in different positions or of  
different ages have different perceptions  
of the presence of ethical problems

39% of junior members reported  
observing ethical problems compared to  
10% of department chairs

# AAPM Code of Ethics: Guidelines

## Seeking or changing jobs

Audience response...

Graduate student, married with children

Applies for two residency positions

- a) two year residency at prestigious, competitive institution
- b) two year residency followed by permanent position in a more favorable location for family

Offered position a. Institution insists on a acceptance or rejection within 3 days. Grad student accepts offer.

The following week the graduate student is offered position b, accepts position b and withdraws acceptance from position a

# Withdrawn Job Acceptance Ethical Conduct? (Not a SAMS question)

- 20% 1. The residency program should not have forced a reply within 3 days.
- 20% 2. The graduate student made the best ethical choice considering the interests of his family
- 20% 3. The graduate student should have kept the commitment made by his initial choice
- 20%
- 20%

## **AAPM Code of Ethics: Seeking or changing jobs**

Under normal circumstances once an offer for employment is accepted, it is unethical for either party to withdraw or modify, in a material way, their respective commitments made under the terms of their agreement.

## AAPM Code of Ethics: Seeking or changing jobs

It is recognized that extraordinary circumstances do arise from time to time, making it impossible to proceed under the terms of an agreement already made. Under such circumstances, it is considered good practice not only to inform the other party as soon as possible, but also to provide a reasonable explanation of the situation that prevents the party from fulfilling his or her obligations.

Audience response .....

Dear Connecticut X-Ray Device Registrant:

ABC Physics Consulting Group, the most respected provider of diagnostic medical physics services in the United States, is pleased to announce that it has opened a regional office to serve customers in Connecticut, Maine, Massachusetts...

I hope that you will give us a call for a free, no-obligation quote and see how ABC Physics Consulting Group can raise your expectations about what a medical physics provider can be doing for your facility.

# Consulting Group Solicitation Ethical Conduct? (Not a SAMS question)

20%

1. All is fair in business. It's a free market.

20%

2. This is a generic, benign advertisement.

20%

3. Knowingly competing to displace an existing physicist is unethical

20%

20%

# AAPM Code of Ethics: Guidelines

## Employment investigation

It is considered good and responsible professional practice during an employment investigation to act with respect and consideration of the existing parties and of their relationship(s) specifically, the employer and any fellow medical physicist whose position might be affected.

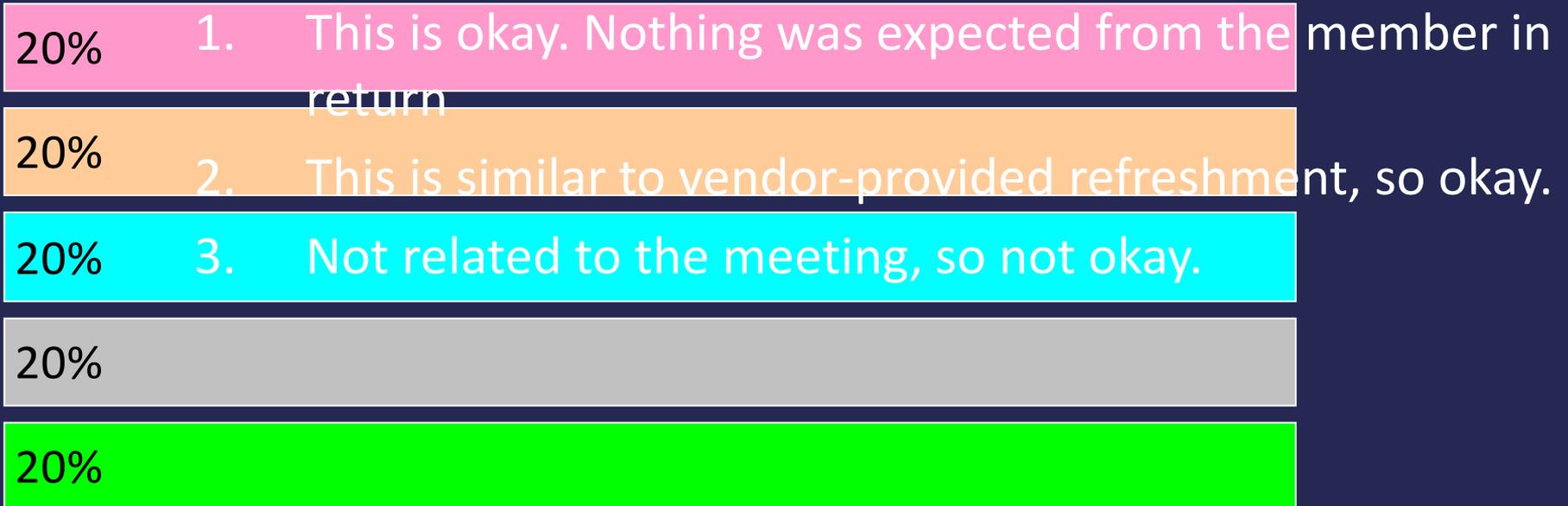
# AAPM Code of Ethics:

## Corporate affiliates and member relations

- Relationships with medical physicists
- Sponsorship of research
- Member conflict of interest
- Gifts or kickbacks.
- Sales, marketing, advertising
- Confidentiality

## Audience response.....

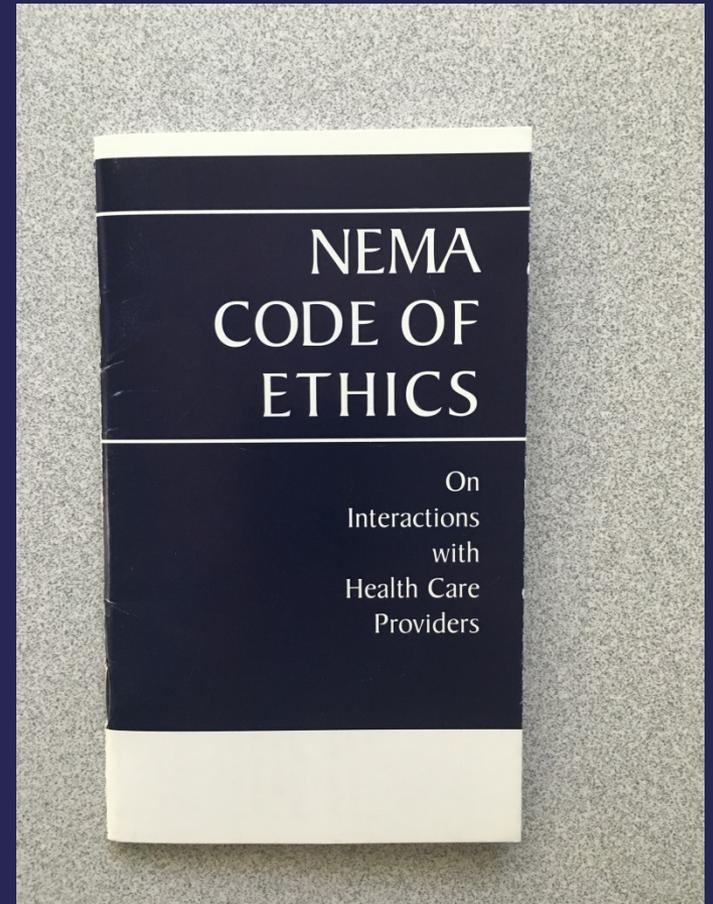
During an AAPM Chapter meeting vendors offer to pay golfing fees for attendees the afternoon before the start of the meeting.



# AAPM Code of Ethics: Gifts or kickbacks

Promotional items, educational items, and modest gifts given as a courtesy of business that are of a nominal value (less than \$100) are acceptable. Gifts or kickbacks given with the expectation of obtaining a contract or to sell, lease, or refer a product or service are not acceptable. Gifts may not be in the form of cash or cash equivalents. Gifts such as tickets or fees for sporting, entertainment or recreational events are not appropriate.

“Members should not pay, directly or indirectly, for hospitality in the form of sporting event tickets, theatre tickets or golf.”



The AAPM Code of Ethics Guidelines recommends that promotional items, education items or gifts given as a courtesy of business not exceed a nominal value of:

20% 1. \$50

20% 2. \$100

20% 3. \$200

20% 4. \$500

20% 5. \$1000

The AAPM Code of Ethics Guidelines recommends that promotional items, education items or gifts given as a courtesy of business not exceed a nominal value of:

Correct answer: 2) \$100

Reference: AAPM Code of Ethics,  
<http://aapm.org/org/policies/details.asp?id=260&type=PP&current=true>

## **AAPM Code of Ethics: Relationships with recruiters**

Communications between recruiters and members (job candidates) will be open, honest, and transparent. Recruiters will faithfully and honestly represent candidates to employers and likewise will honestly provide information about employers to candidates. Candidates will provide candid, honest information about themselves to recruiters whom the candidates have accepted for a business relationship.

## **AAPM Code of Ethics: Relationships with recruiters**

Recruiters will receive permission from a candidate for release of his or her resume (curriculum vitae) to each and every potential employer client. Recruiters will maintain the confidentiality of a job search in each and every instance unless specifically released in writing from such confidentiality by the candidate.

Regarding the relationship between a medical physicist seeking a job and a recruiter, the AAPM Code of Ethics Guidelines recommends that recruiters will:

- 20% 1. Notify employers with job openings with a list of potential job seekers
- 20% 2. Share job seekers resumes with other recruiters for maximum exposure
- 20% 3. Receive permission from job seekers prior to release of their resume to a potential employer
- 20% 4. Notify job seekers of release of their resume each time they distribute it to a potential employer
- 20%

Regarding the relationship between a medical physicist seeking a job and a recruiter, the AAPM Code of Ethics Guidelines recommends that recruiters will:

1. Correct answer: 3) Receive permission from job seekers prior to release of their resume to a potential employer

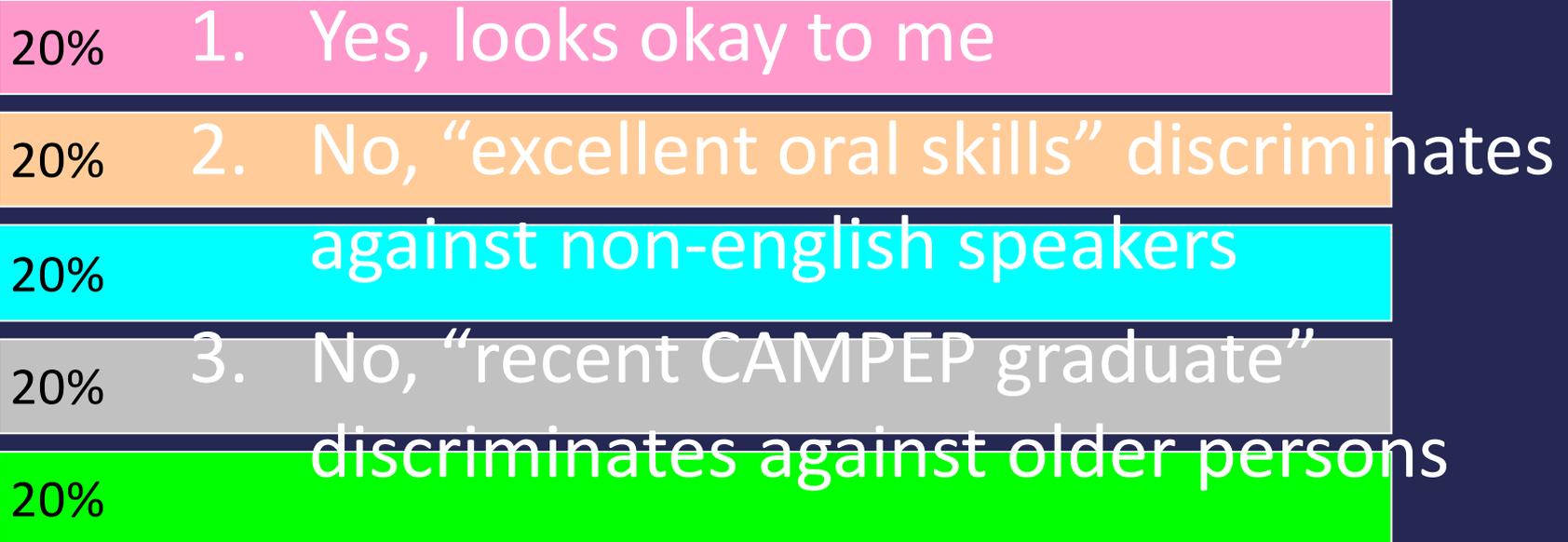
Reference: AAPM Code of Ethics,  
<http://aapm.org/org/policies/details.asp?id=260&type=PP&current=true>

# Job Advertisement

Audience response....

The successful candidate should be a recent CAMPEP graduate with demonstrated clinical skills and is expected to function independently with excellent oral and written communication skills. He/she will join a team of 4 other medical physicists. Obtaining board certification within at least three years is expected for this position.

# Job Advertisement Ethically Okay? (Not a SAMS question)



# EEOC

- Prohibited Employment Policies/Practices
- Under the laws enforced by EEOC, **it is illegal to discriminate** against someone (applicant or employee) **because of that person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.** It is also illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

# EEOC

- Job Advertisements
- It is illegal for an employer to publish a job advertisement that shows a preference for or discourages someone from applying for a job because of his or her race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.
- For example, a help-wanted ad that seeks "females" or "recent college graduates" may discourage men and people over 40 from applying and may violate the law.

If “recent college graduate” is not acceptable in a job description is the use of “entry-level” physicist or “junior” physicist acceptable?

## AAPM Code of Ethics: Sales, marketing, advertising

Sales communications and advertisements shall truthfully describe the product or service. False, misleading, or deceptive communications or advertisements are not acceptable practices. Known deficiencies of the product or service must be disclosed by the vendor. If a product is in development or not yet ready for clinical use, that information must be stated. Explicit and implicit commitments about a product or service shall be honored.



**CyberKnife® is the biggest  
advance in prostate cancer  
treatment in a decade. And only  
one place in Manhattan  
has it: NYCyberKnife™.**

CyberKnife® is as effective as surgery for prostate cancer. But there's no cutting, no pain, no incontinence and less risk of impotence. Treatment takes just one week – five brief appointments. And now the number one CyberKnife prostate cancer team in the country is here. Winthrop NYCyberKnife™. To learn more about Manhattan's only CyberKnife program, call 1-866-WINTHROP, or go to [winthrop.org/NYCyberKnife](http://winthrop.org/NYCyberKnife).

**WINTHROP  
NYCyberKnife™**

**Manhattan's one and only CyberKnife® Center.**

# Advertisement Ethically Okay? (Not a SAMS question)

20% 1. Yes, all advertisement exaggerate to some degree

20% 2. One could interpret hyper-fractionated CyberKnife prostate treatment as a significant advance

20% 3. No, this is clearly misleading.

20%

# Advertising

**No One Needs to Die  
of Prostate Cancer!**

for Prostate Brachytherapy

# Advertising

American Cancer Society

Estimated Deaths for Prostate Cancer, 2016

26,120

# A Final Note

Courtesy of Mark Twain

**“Always do right —**

**This will gratify some and astonish the rest.”**



**Thank  
You!**