

On the algorithmic approach to ethical conduct

George W. Sherouse, PhD, DABR, FAAPM
Vice-Chair Ethics Committee
Vice-Chair TG-109: Code of Ethics

Disclaimer

My examples are hypothetical.

What if...

A candidate for an entry-level job accepted the position and then rescinded acceptance a week later for a "better opportunity," leaving the employer to scramble to re-engage a lower-ranking candidate.

What if...

A candidate for an entry-level position was made an offer and given 24 hours to decide. He asked for more time since he had an interview scheduled the next day for another position, but was told that was not possible.

What if...

A residency program that had advertised participation in the groundrules of the "Gentlemen's Agreement" instead chose to fill its position a week before the Agreement date in order to lock in the preferred candidate.

What if...

A residency program ostensibly in the "Gentlemen's Agreement" pressured a candidate one week before the Agreement decision day to accept their position early, leveraging the real fear for the candidate of getting no offer at all.

What if...

A residency program made vague promises of future faculty employment in order to entice a preferred resident candidate, with no real commitment to follow through.

What if...

What if all of this is *one* story?

Where ethical challenges thrive...

- Asymmetric power of all sorts
- Competition for contracts
- Surprise displacement from a job
- The politics of authorship
- Conflicts of interest

My personal sorest point

“The patient comes first.”

The point being...

No matter how much we might have the impulse to see people “brought to justice” for not making “right” choices, right relationships are complex.

On the topic of justice...

“When a man steals your wife, there is no better revenge than to let him keep her.”

- Sacha Guitry

How hard could it be?



Algorithms?

It is our tendency as professional problem-solvers to expect that there is a "right" answer that can be found through systematic analysis.

"Rightness" algorithms; some examples.

- Religious teaching
- Civil law
- Societal norms and slippery slopes

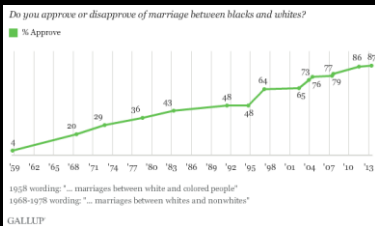
Ten Commandments Number 10

“Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbour's.”

District of Columbia Official Code
Division V. Local Business Affairs.
Title 36. Trade Practices.
Chapter 1. Registration of Beverage Bottles.
Subchapter II. Registration of Milk Containers.
§ 36-123. Defacing or destroying registered containers.

“Whoever shall by himself or his agent willfully deface, erase, alter, obliterate, cover up, or otherwise remove or conceal any registered name, mark, or device registered by another and being on any milk bottle, can, crate, or other container, or shall willfully break, destroy, or otherwise injure any registered milk bottle, can, crate, or other container which has been registered by another shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties prescribed in this subchapter.”

Social norms



“Right” is often contextual

The “Gift of the Magi” offers a concise formulation.

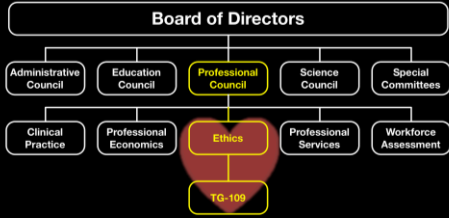
Ethics as FMEA?

The approaches and tools of Systems Engineering offer us some insight.

Ethics and the AAPM

- In governance
- In practice
- In the future

Ethics in AAPM Governance



Ethics in AAPM Governance

Rule 3.7.2: The Committee on Ethics

Purpose

The Committee on Ethics shall advise the Professional Council and, through it, the Board of Directors, on matters relating to the ethical practice of medical physics.

Activities

1. Prepare guidelines on the ethical practice of medical physics.
2. Investigate complaints involving alleged unethical practices of medical physics by or relating to AAPM members.
3. Prepare and maintain procedures for resolving ethical problems.
4. Educate the medical physics community on the ethical principles of professional practice.

Ethics in AAPM Governance

Rule 4.0.2: Ethical Behavior

All applicants for membership and affiliation must attest that they will abide by the AAPM Code of Ethics.

Rule 4.0.3: Termination of membership or affiliation for ethical misconduct

Sanctions specified within the AAPM Code of Ethics (up to and including expulsion from the AAPM) may be imposed for ethical misconduct. Members or affiliates expelled for ethical misconduct may eventually reapply for membership or affiliation as specified in the Code of Ethics.

Ethics in AAPM Governance

Bylaws Article IV, Section 4. Termination of Membership

The membership of any member shall terminate upon occurrence of any of the following events: resignation of the member; use of degrees from non-accredited institutions or programs as defined in this Article; nonpayment of dues as specified in the Rules; or vote of the Board of Directors following a formal hearing by the Ethics Committee as specified in the Rules. Reinstatement of membership shall be as defined in the Rules.

Ethics in AAPM Governance

POLICY ID: PP-17B: Scope of Practice of Clinical Medical Physics

Definition 3.6: Qualified Medical Physicist (QMP) is an individual who is competent to practice independently in one or more of the subfields of medical physics, and meets the criteria set forth in the Definition of a Qualified Medical Physicist (AAPM Professional Policy 1). In addition, a QMP must hold a professional medical physics license where required and should uphold the AAPM Code of Ethics (AAPM Professional Policy 24).

AAPM Code of Ethics

- The Code of Ethics defines the standards and the procedures by which the Ethics Committee operates.
- More broadly, the Code of Ethics is designed to give AAPM Members an ethical compass to guide the conduct of their professional affairs.

AAPM Code of Ethics

The Code of Ethics (PP24) in its current form was first approved in 2008 and replaced several earlier Policy documents, notably the Guidelines for Ethical Practice for Medical Physicists (PP8), but also others of more limited scope; reviewing the work of others (PP5), vacating a position (PP4) and the formal complaint process (PP21).

AAPM Code of Ethics

“The following Principles of the American Association of Physicists in Medicine (AAPM) 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.”

The Code paraphrased...

- We need to honor the trust placed in us by the patients that we ultimately serve.
- We need to be honest in all of our professional dealings.
- We need to treat each other with respect.

Structure of the Code

- Preamble and statement of general principles
- Guidance applicable to specific situations
 - Professional conduct
 - Research ethics
 - Education ethics
 - Business/Government ethics
- Detailed formal complaint process

Examples of principles

- "Members shall strive to provide the best quality patient care with competent and professional service."
- "Members must realize their limitations of knowledge, skill, or time and seek consultations and assistance when indicated."
- "Members should strive to support the professional development of their colleagues and those in training."

Examples of guidance

- "Members must be aware of the limitations of their knowledge, skill, and experience. They shall undertake only work that they are qualified to perform and shall seek additional education and training or consultation when indicated. Members should disclose known limitations in their ability when relevant."
- "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."

Complaint process

- The complaint process is specified in detail and at length in the Code of Ethics.
- It is designed above all to be fair to everyone involved in a complaint.
- The complaint process is not efficient. That is also by design. Deliberation and review are important aspects of due diligence.
- There is intentionally broad latitude in the sanctions that can be recommended by the Ethics Committee.

Ethics Committee Activity

- Fewer than 5 inquiries are received in a typical year.
- Most are resolved by the Chair through a combination of advice, admonition and mediation.
- Some complaints are not pursued by the complainant for administrative reasons, such as a desire to remain anonymous.
- A few complaints a year go to the full Committee for discussion and further action, often resulting only in letters of advice or admonition.
- It has been many years since a complaint resulted in recommendation of a formal Board action.

PPs sunset

- The Code of Ethics is managed as a Professional Policy.
- Professional Policies are developed by Professional Council as recommendations to the Board. A Board vote is required to approve.
- Each AAPM Policy has a "sunset date" by which it must be renewed or allowed to expire.
- PP 24-C was approved 11/26/2012 with a sunset date of 12/31/2017.
- TG-109 has been reconstituted in 2015 as the management team of the review process and possible revision.

TG-109

- Currently in the revision phase, but your input is still welcome.
- You can find email links for the entire TG, its Chair Christina Skourou, its Vice Chair George Sherouse or any other TG member in the AAPM Committee Tree online.
- The revised Code will go up for open Member comment when ripe, late 2017.

Summary

- The quest for right relationship can be complicated.
- The Code of Ethics is structured to be a resource to you.
- The Ethics Committee is structured to be a resource to you.
- If you complain about someone or someone complains about you, chances are good that only advice will follow.
- A Member has to really really work at it to be sanctioned, but it is possible.



Bear Haiku

Night, and the moon!
My neighbor, playing on his flute -
He tastes delicious.

Temple bells die out.
The fragrant blossoms remain.
I kill and eat you.

The moment two bubbles
are united, they both vanish.
Hikers yummy.
