Ethical Versus Legal Issues In The Practice Of Medical Physics

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Inherent Professional Code Of Conduct In The Practice Of Medical Physics

GOLDEN RULES

1- Competence
2- Diligence
3- Communication
4- Confidentiality
5- Truthfulness
6- Safekeeping property
7- Knowledge of Law
8- Trustworthiness
9- Conflict Avoidance
10- Best Interest

1- Competence

Competent Service:
- Educational
- Consultative
- Collegiate Advice
- Employment

con’t
1- Competence (CON’T)

Must Have The Requisite Knowledge And Skill:
- Thorough
- Prepared
- Accurate

2- Diligence

- Must Perform Services With Reasonable Diligence And Promptness

3- Communication
3- Communication

- Must Inform
  Client/Employer/Authority/Patient:
  - Clearly
  - Promptly
  - Completely

4- Confidentiality

- Comply With HIPAA Rules
- Abide By Employer/Hospital Disclosure Rules
- Comply With Court/NRC/State/Federal Rules

4- Confidentiality (cont)

- The HIPAA Privacy Regulations (Privacy Rule) Prohibit A Medical Physicist From Using Or Disclosing Health Information

cont
5- Truthfulness

MUST NOT KNOWINGLY:
- Make a False Statement or
- Fail To Disclose a Material Fact

6- Safekeeping Property

Must Preserve and Keep Safe:
- Records
- Properties
- Funds
Belonging to Employer/Client/Advisee/Patient
7- Knowledge Of Law

Must have Adequate Knowledge of Law, Rules and Regulations As Apply To The Field Of Practice

“Ignorance Of The Law Is No Excuse”

8- Trustworthiness

Must not:
- Use Information Received In Trust For Own Or Adverse To Employer/Client/Advisee/Patient
- Acquire Ownership Or Use Properties Belonging To Others
9- Conflicts

Conflicts Of Interest:
- Recommendations Of Unqualified Friends And Relatives
- Personal Vendettas Against A Co-worker Or Past Employer

10- Best Interest

- While Acting With Honesty, Integrity, And Candor, Must Act In The Best Interest Of Employer/Client/Advisee/Patient
Duties Owed By A Practicing Medical Physicist

Types of Duties:

I - Legal Duty
II - Professional Conduct: Ethical Duty
III – Moral Obligation

How Is Created?

- Written Contract
- Oral Agreement
- Promise
- Inherent

With Whom?

Relationships:
- Employer
- Client
- Patient
- Advisee

- Law
- Public
- Employee
- Colleagues

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To Whom?
- Employer
- Client
- Patents
- Associates
- Employees

- Co-workers
- Advisee
- Public
- Federal, State, Local
- Regulatory Agencies

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I – Legal Duty
Created by Federal, State, or Local Laws, Rules, and Regulations
Most Stringent Standard

Violation Of Legal Duty
- Criminal Penalty:
  - Intentional Act or Omission
  - Criminal Negligence
- Civil Penalty:
  - Negligence

Elements of Actionable Events
There must be:
1 - Duty
2 - Breach
3 - Causation
4 - Damage
II- Ethical Duty

Created when we represent ourselves as experts in the field of Medical Physics. The Practice of Medical Physics requires Professional Conduct whether or not we belong to any professional organization.

III- Moral Obligation

Created by being a member of the Society we live in.

Breach Of Duty

Examples

EXAMPLE 1

<table>
<thead>
<tr>
<th>Duty</th>
<th>Breach</th>
<th>Causation</th>
<th>Damage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facts:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Bill Smith: Senior Medical Physicist</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Setting: Hospital</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>- Time: 11:00 P.M.</td>
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<tr>
<td>- Occasion: Aunt Becky In Emergency Room</td>
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<tr>
<td>- Visit: Nuclear Medicine Department</td>
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<tr>
<td>- Event: Radioactive Safe Room Ajar</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### EXAMPLE 2

<table>
<thead>
<tr>
<th>Duty Breach</th>
<th>Causation</th>
<th>Damage</th>
</tr>
</thead>
</table>

**Facts:**
- 7:00 P.M.
- Bill Smith Visiting
- Joe Junior: Medical Physicist/RSO
- Wall Monitor Shows High Reading
- Micro-Selector: Ir Source Out Dangling
- Joe Junior: Very Tired
- Deal With It Tomorrow
- Janitor

### EXAMPLE 3

<table>
<thead>
<tr>
<th>Duty Breach</th>
<th>Causation</th>
<th>Damage</th>
</tr>
</thead>
</table>

**Facts:** (A)
- Bill Smith: Senior Medical Physicist
- Loud, Jokes, Muffins, Competent, Comes Late But Stays Late, $250,000/Yr, 15 Years at Hospital
- Joe Junior: Ambitious, 2 Years at Hospital, $45,000/Yr.
- Bill Smith is Senior to Joe Junior
- Joe Junior Reports To Hospital Administrator, Late, Jokes, Muffins, Loud
- Administrator: Cost Cutting Move:
  - Fires Bill Smith
  - Promotes Joe Junior ($100,000/Yr)

### EXAMPLE 3 (con’t)

<table>
<thead>
<tr>
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<th>Damage</th>
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</table>

**Facts:** (B)
- Joe Junior Reports to Administrator:
  - Always Late
  - Does Not Do Duties Timely
  - Drinks On The Job
  - Bribe Techs Not to Tell on Him
  - Inappropriate Jokes & Touching
- Administrator: - Fires Bill Smith
  - Promotes Joe Junior ($100,000)
  - (a) False  (b) True

### EXAMPLE 4

<table>
<thead>
<tr>
<th>Duty Breach</th>
<th>Causation</th>
<th>Damage</th>
</tr>
</thead>
</table>

**Facts:** (C)
- Joe Junior: Cuts Ir Source Wire
- Therapist: Reports Next Day To Hospital
- Janitor: Radiation Burn
- Hospital: Fires Bill Smith, Promotes Joe Junior
- NRC:
  - Fines Hospital
  - Bans John Jones As Authorized User
  - Publishes The Event & Bill Smith’ Name
- AAPM:
  - Removes Bill Smith From Membership
Congratulations to AAPM
On
50th Anniversary

The End