Ethics

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- No competing interests
- No association with providers of commercial products and/or devices discussed in this presentation and/or with any commercial supporters of these activities.

“"The work of an intellectual is not to mold the political will of others; it is, through the analyses that he does in his own field, to re-examine evidence and assumptions, to shake up habitual ways of working and thinking."

Michel Foucault
French historian and philosopher
ETHICS VS. MORALITY

Origin Of The Words
- Greeks
- Philosophers
- Words from Greek – study of
- Ethics
  - Ethos – custom
- Romans
- Builders
- Words from Latin – doing it
- Morality
  - Moralis – proper behavior of a person in society

Definitions
- **Ethics** is a general term for what is often described as the "science (study) of morality"
- **Morality** is a complex of principles based on cultural, religious, and philosophical concepts and beliefs, by which an individual determines whether his or her actions are right or wrong
This is NOT a discussion of medical ethics – they have their own cross to bear

CHIROPRACTIC ETHICS
A TYPE OF APPLIED PROFESSIONAL ETHICS

Origins Of Professions
- Profession – to profess (expertise)
- Social contract
- Classically – health, law, clergy
- Laity can’t understand professions
- Control ceded to the professions

Benefits Given The Professions
- Autonomy – self regulation
- Control over its education
- Control over its licensure
- Control over its disciplining process
Benefits Given The Professions
- Market monopolies
- Limit/prohibit non-professional from providing specified services
- Control entry into the profession (control its numbers)
- Regulate services in such a way as to have some control of price of services

Benefits Given The Professions
- Resulting in
  - Status
  - Income
  - Security
  - Authority
- Creating an asymmetrical relationship relative to
  - Power
  - Knowledge
  - Authority

Professionalism Vs. Mercantilism
- Professional:
  - Unequal knowledge assumed
  - Professional is looking out for the patient’s etc. interests
  - Patient etc. places trust in the professional
  - Altruism
    - Credat emptor
      - Let the buyer have faith

- Mercantilism:
  - No assumptions about knowledge
  - Merchant and consumer are both looking out for their own interests
  - Mutual distrust may exist
  - Benevolent self interest
    - Caveat emptor
      - Let the buyer beware
Challenge Of Health Insurance

- 3rd party payer: “Take only what is necessary.”
- 1st two parties (doctor and patient) have no interest in leaving money on the table

Professionalism And Insurance

The theory of professionalism just described should result in:
- Uniform practice habits as defined by the clinical facts
- Practice habits that are unaffected by economic incentives

Professional Man Vs. Economic Man

- Are the principles and ethics of professionalism sufficient to override economic interests?
- Will professions discharge their obligations without regard to economic incentives?
“The reality is, we all cave into market and economic forces.”


What We Know

- Utilization rates of advanced imaging as a function of ownership of imaging services


Socrates – An unexamined life is not worth living.
“Ethics is knowing the difference between what you have a right to do and what is right to do.”
Justice Stewart Potter

Basic Normative Ethical Principles

- Duties
  - Beneficence
  - Non-maleficence
  - Primum non nocere
  - Veracity
  - Fidelity
  - Justice
  - Reparations
  - Gratitude

- Rights
  - Autonomy
  - Privacy
  - Informed consent
Duty Of Beneficence

- Duty to help bring about a positive outcome
- Isn’t this why we became doctors?

Duty Of Non-maleficence

- Duty to prevent harm
- *Primum non nocere*
  - Supposedly from Hippocrates of Cos (c. 460–380 BC)
  - Except that he wrote in Greek not Latin
  - Ωφελέιν η μη βλαπτειν – “To help, or at least to do no harm” – Epidemics Bk I, Sect XI

*Primum Non Nocere*

- Origin: Thomas Sydenham (1624-1689) according to T. Inman’s 1860 book
- Prominent American surgeon, L.A. Stimson, used the expression in two papers (1879 & 1906) in *Am J Med Sci*
- In common use by the turn of the century

What is Harm?

- Pain
  - Fear avoidance beliefs
  - Hurt is harm
- A tort
  - GB VII
  - Physical injury
  - Psychological injury
- Taking opportunity costs (time & money) for
  - Ineffective treatment

Interesting Case

- Patient presents to DC for thoracic spine pain
- Unresponsive to treatment
- Final diagnosis syrinx / syringomyelia

Chiropractic Management

- Receives ~180 adjustments over 2 years
- NO change in symptoms
- Why 180 adjustments without change in Sx
  - What should be done with a patient that is not responding to treatment
    - If we think our chiropractic analysis method is perfect and
    - If we think our chiropractic treatment – an adjustment is perfect
Treat Them Forever!

It Is Completely Logical

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  - Physical injury
  - Psychological injury
- Taking opportunity costs (time & money) for
  - Ineffective treatment
  - Unneeded tests

Radiographs For Everyone?

- 0.9% of acute LBP due to pathology
  

- Need 30% bone destruction in extremities, & 50% in spine to be visible on x-ray
  
  Yochum & Rowe

- Guidelines
  
  - CGGPP.org
**Continuum of Help – Harm**

- **Beneficence**
- **Non-maleficence**

**Duty Of Veracity**
- Adherence to the truth
- Whose truth?
- Moral relativism or moral pluralism?
- Who is the arbiter of fact?
- It is a lie to say what one believes to be true?
- Is ethical to tell an untruth one believes in?

**Duty Of Justice**
- Justice is a concept involving the fair and moral treatment of all persons
- What is fairness?
  - Dr. Perle I got an 'F' on your test, please be fair and give me a way to improve my grade
  - Treating everyone equally?
- Aristotle: Treating equals equally and unequals unequally but in proportion to their relevant differences
Duty Of Fidelity

- Involves the notions of loyalty, faithfulness, and honoring commitments
- To comply with patient's reasonable requests
- What are those (usually unspoken) requests?
  - Ethical
  - Humanistic
  - Maintain boundaries
  - Up-to-date
  - Competent

Right of Autonomy

- The patient as an independent agent
- Abridged when
  - Mentally incompetent
  - Legally mandated to do so
  - Public health
  - Imminent danger to oneself or others
- Derived rights
  - Privacy
  - Informed consent
Right of Privacy

Doctor – Patient Confidentiality

- What is private information?
- Who decides what is private information?
- When can it be breached?
  - Minor – Incompetent
  - Legal mandate
  - Prevent harm
  - Child abuse
  - Disease reporting
- HIPAA

Ultracrepidarian

Claiming Expertise
One Does Not Possess

“Real knowledge is to know the extent of one’s ignorance.”
Confucius

Ultracrepidarians Violate Ethical Duties to Patients

- Credat Emptor – let the buyer have faith
- Fidelity – duty to comply with patient’s reasonable requests
  - Patient’s expect us to acknowledge our limitations
  - Patient’s expect us to be competent
  - Patient’s expect us to be up-to-date
  - Belief in truth is not enough
  - Is ethical to tell an untruth one believes in?
The desire to be right and the desire to have been right are two desires, and the sooner we separate them the better off we are. The desire to be right is the thirst for truth. On all accounts, both practical and theoretical, there is nothing but good to be said for it. The desire to have been right, on the other hand, is the pride that goeth before a fall. It stands in the way of our seeing we were wrong, and thus blocks the progress of our knowledge.

Natural Tendency For Everyone To Be Ultracrepidarian