

OPINIONS OF THE ETHICS COMMITTEE

Over the years, the APA's Ethics Committee has been frequently asked to provide its opinion on whether specific behaviors are ethical or not. Basing its answers on the *Principles of Medical Ethics With Annotations Especially Applicable to Psychiatry* (see Chapter 33 for the 2013 edition) and the AMA's *Current Opinions with Annotations of the Council on Ethical and Judicial Affairs*, the Ethics Committee has responded to the questions posed by physicians.

An indexed 97-page document containing the answers the Ethics Committee has provided that address specific practice issues was published in 2014. It contains the Ethics Committee's opinions on the kinds of issues you will probably encounter in your everyday practice. They are arranged by specific issues such as "Business Practices and Ancillary Professional Activities", "Child and Adolescent Psychiatry (Including Child Custody and School Issues," and "Boundary and Dual Relationship Issues" under the section of the *Principles of Medical Ethics* that the Ethics Committee felt covered the issue in question. A sampling from the questions under Business Practices and Ancillary Professional Activities are included below. The full document can be accessed at <http://www.psychiatry.org/practice/ethics/resources-standards> .

SECTION 1

A physician shall be dedicated to providing competent medical service with compassion and respect for human dignity and rights.

Question: Is it ethical to market and offer a telephone referral and assessment service for adults who may be suffering from a mental disorder?

Answer: Yes, with the following cautions and provisos: (1) The use of such services calls into question the effectiveness of such modalities as a substitute for the clinical interview in a face-to-face setting. Research is incomplete in this area, and the ethical physician is obligated to support such interventions-by-telephone with clear scientific evidence of its clinical efficacy and limitations. (2) The confidentiality requirement must be met and the patient must be clearly informed of the efficacy and limitations of such telephone referral and assessment. (3) In addition, the billing for such services must be carefully approached to maintain the clearest contractual understanding with the patient.

Question: Many people in my area are very busy or have transportation problems. I propose to offer them consultation by telephone or letter or audiotape. Among other things, I am prepared to offer stress management, bereavement and divorce counseling, and flexible, creative psychoanalytic therapy. Is this ethically permissible?

Answer: There are several questions: (1) Is the treatment contract explicit and does it allow fully informed consent? (2) Will you provide a face-to-face thorough psychiatric examination prior to initiating this treatment plan? (3) Will you be available to provide face-to-face intervention when clinically necessary? (4) Are you properly trained to carry out these treatments, especially are you trained in psychoanalysis? (5) Have you thought out carefully why you want to do this and are you guided by the best interests of your prospective patients? If the answer to any of these questions is no, your plan is unethical.

SECTION 2

A physician shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report physicians deficient in character or competence, or engaging in fraud or deception to appropriate entities.

Question: I am opening a new practice and want to put on my website my fees and that I will not be accepting insurances. I will print out claims form for those people who want to submit claims themselves. Is it ethical to list the fees on the website—in order to be straight forward and clear?

Answer: Clearly stating one's fee and position regarding insurance assignment is consistent with Section 2, Paragraph 5 [see Chapter 35], which advises the explicit establishment of the provisions of the contractual arrangement between patients and psychiatrist. In addition to posting this information on a website, it should also be a part of the contract with each patient.

SECTION 4

A physician shall respect the rights of patients, colleagues, and other health professionals, and shall safeguard patient confidences within the constraints of the law.

Question: My patient has been asked to repay overpayment of VA funds which has led directly to the patient's vague threats of suicide. The VA agency is asking me if it is okay to proceed with asking for repayment. What is my ethical/legal responsibility?

Answer: The first issue is one of confidentiality. The VA cannot receive any information regarding your patient without the direct consent of the patient. In this instance, the patient would need to be informed about why the VA is requesting information, i.e., in order to have you weigh in on whether or not the patient could withstand a request for the return of funds.

The second issue is one of dual relationships. In this instance, your most important role is that of treating psychiatrist to your patient. However, it appears that the VA wishes for you to offer a consultation regarding an administrative decision, while you are simultaneously providing clinical care. It would seem in the patient's best interest that the administrative request be satisfied through an independent assessment, made by an independent clinician, and not by you.