

TOMA CODE OF ETHICS

The AOA and TOMA have formulated this Code to guide its member physicians in their professional lives. The standards presented are designed to address the osteopathic physician's ethical and professional responsibilities to patients, to society, to the AOA, to TOMA, to others involved in health care and to self. Further, the AOA has adopted the position that actively practicing physicians should play the major role in the development and instruction of medical ethics.

SECTION 1

The physician shall keep in confidence whatever he/she may learn about a patient in the discharge of professional duties. Information shall be divulged by the physician when required by law or when authorized by the patient.

SECTION 2

The physician shall give a candid and complete account of the patient's condition to the patient or to those responsible for the patient's care.

SECTION 3

A physician-patient relationship must be founded on mutual trust, cooperation, and respect. The patient, therefore, must have complete freedom to choose his/her physician. The physician must have complete freedom to choose patients whom he/she will serve. However, the physician should not refuse to accept patients because of the patient's race, creed, color, sex, national origin or handicap. In emergencies, a physician should make his/her services available to all patients and render the appropriate care commensurate with their training and experience in their geographic area.

SECTION 4

A physician is never justified in abandoning a patient. The physician shall give due notice to a patient or to those responsible for the patient's care under the provisions of Section 2 of this Code when he/she withdraws from a case so that another physician may be engaged.

SECTION 5

A physician shall practice in accordance with the body of systematized and scientific knowledge related to the healing arts. A physician shall maintain competence in such systematized and scientific knowledge through study, clinical application, and the satisfactory completion of the continuing education requirements of the Texas Medical Board.

SECTION 6

The osteopathic profession has an obligation to society under Natural Law, Deontological Ethics, and Utilitarian Ethics (See Glossary of Terms) to maintain its high standards and, therefore, to continuously regulate itself. A substantial part of such regulation is due to the efforts and influence of the recognized local, state and national associations representing the osteopathic profession. A physician should maintain membership in and actively support such associations and abide by their rules and regulations.

SECTION 7

Under the law a physician may advertise, but no physician shall advertise or solicit patients directly or indirectly through the use of matters or activities which are false or misleading.

SECTION 8

A physician shall not hold forth or indicate possession of any degree recognized as the basis for licensure to practice the healing arts unless he/she is actually licensed on the basis of that degree in the state in which he/she practices. A physician shall designate his/her osteopathic school of practice in all professional uses of his/her name. Indications of specialty practice, membership in professional societies, and related matters shall be governed by rules promulgated by the American Osteopathic Association.

SECTION 9

A physician is mandated to seek consultation whenever he/she believes it advisable for the care of the patient.

SECTION 10

In any dispute between or among physicians involving ethical or organizational matters, the matter in controversy should first be referred to the appropriate arbitrating bodies of the profession.

SECTION 11

In any dispute between or among physicians regarding the diagnosis and treatment of a patient, the attending physician has the responsibility for final decisions, consistent with any applicable hospital rules or regulations.

SECTION 12

Any fee charged by a physician shall compensate the physician for services actually rendered. There shall be no division of professional fees for referrals of patients, or gifts for incentives for practice and referrals.

SECTION 13

A physician shall respect the law. When necessary a physician shall attempt to help to formulate the law by all proper means in order to improve patient care and public health.

SECTION 14

In addition to adhering to the foregoing ethical standards, a physician shall recognize a utilitarian responsibility to participate in community activities and services.

SECTION 15

It is considered sexual misconduct for a physician to have sexual contact with any current patient whom the physician has interviewed and/or upon whom a medical or surgical procedure has been performed.

SECTION 16

Sexual harassment by a physician is considered unethical. Sexual harassment is defined as physical or verbal intimation of a sexual nature involving a colleague or subordinate in the workplace or academic setting, when such conduct creates an unreasonable, intimidating, hostile or offensive workplace or academic setting.

SECTION 17

The use of a product or service based solely on the receipt of a gift shall be deemed unethical. Physicians shall be aware of Pharmaceutical Research and Manufacturers of America (PhRMA) Code on Interactions with Healthcare Professionals.

SECTION 18. END OF LIFE ISSUES INCLUDING PHYSICIAN ASSISTED SUICIDE, WITHDRAWAL OF LIFE SUPPORT, DEATH AND DYING

It is understood that all physicians have ethical duties to sustain life and relieve suffering. It is also understood that at times these duties may in fact conflict one with the other, or be in conflict with patient's choice or the choice of family or legal representative. Many of these choices are clearly determined by law and the law should be followed in those instances. The patient's own decisions regarding treatment or refusal of treatment should always be taken into account, and where appropriate in the care of a patient not competent to give or deny consent, those who have been given that responsibility. In the absence of clear and legal instructions to the contrary, the physician must always act in the best interest of the patient with the goal being sustaining life and alleviating suffering. This may include doing what is medically necessary to alleviate severe pain, or withdrawal of treatment to allow a terminally ill patient whose death is imminent to expire. At no time should a physician intentionally cause the death of a patient. It is not unethical to stop providing life or prolong medical treatment to a patient who has been determined, beyond a doubt, irreversibly comatose and the benefits of treatment should always be weighed

against the burden or complications of treatment. At all times the patient's own dignity should be maintained and their wishes respected.

Assisting suicide is however a criminal offense and it is unethical for a physician to intentionally aid or assist any patient, directly or indirectly, in taking the patient's own life regardless of the patient's mental status or illness. This is not meant to prevent the physician from prescribing medication to alleviate a terminally ill patient's pain or suffering even though a side effect of the medication may be to compromise respiration or circulation, if the intention is clearly to alleviate suffering and not to hasten the patient's demise.

In situations where ethical dilemmas involve patients in an institutionalized setting, the institution's ethics committee should be contacted and an effort made to find a humane and reasonable solution.

In situations where there is significant disagreement between the treating physician and either the patient or the patient's representative regarding end of life care, the physician must contact an appropriate alternative physician to continue to assume care or contact medical staff officers who can fulfill a supervisory role and work to resolve the situation in the patient's best interests.

GLOSSARY OF TERMS

Natural Law – a law whose content is set by nature and is thus universal. Natural law refers to the use of reason to analyze human nature and deduce binding rules of moral behavior.

Deontological Ethics – Ethics that judge the morality of an action based on the action's adherence to a rule or rules; duty, obligation or rule-based ethics

Utilitarian Ethics – Making decisions and taking actions that benefit people by maximizing "good" and minimizing "bad". Outcomes, results, or goals are the focus – not the action taken to achieve them.