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## **CODE OF ETHICS**

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## **PREAMBLE**

A code of ethics is useful as a recommendation of appropriate and proper conduct. It is intended to be useful as a guide to physicians faced with ethical decisions in their practices. It does not have the power of law, but represents the standards of the profession as established by the physician's peers by which he or she may determine his or her appropriate ethical conduct. The laboratory physician should know and conform to local laws.

### **Four guiding principles underlie this code of ethics:**

- 1.** The laboratory physician and the patient to whom laboratory services are supplied are of equal moral worth. The laboratory physician has a fiduciary relationship to the patient. The fundamental objective of the practice of laboratory medicine is the good of the patient in terms of preserving and restoring health.
- 2.** Laboratory medicine is the practice of medicine and is guided by the same objectives and concerns as other fields of medicine. The Canadian Association of Pathologists supports the current Code of Ethics of the Canadian Medical Association, which code applies fully to physicians in the practice of laboratory medicine.
- 3.** The prime concern of the laboratory physician is to act as a consultant to a patient's physician and provide prompt, accurate, appropriate, cost-effective laboratory service for the patient.
- 4.** The laboratory physician should use knowledge about disease acquired through

analysis of clinical specimens and material to advance scientific knowledge of disease.

## **A. THE LABORATORY PHYSICIAN**

- 1.** Laboratory physicians recognize the provincial College of Physicians and Surgeons of the province in which he or she practices as the body ultimately responsible for determining ethical medical practice and should comply with its recommendations.
- 2.** Laboratory physicians should perform their professional duties in a manner consistent with current standards of good practice in their specialty.
- 3.** Laboratory physicians should strive to increase their knowledge and skill in order to provide the patient with a high level of professional service.
- 4.** Laboratory physicians should use currently accepted methods and practices of their specialty. They should not voluntarily associate themselves with other professionals or practitioners who do not practice in a recognized scientific method.
- 5.** Laboratory physicians should not direct or supervise laboratories if they lack experience or adequate training in any aspect of those laboratories' operations, unless they can ensure that the appropriate specialist's skills are readily available to such laboratories.
- 6.** Laboratory physicians should report their results in a prompt, accurate and complete form. Preliminary reports should be made whenever possible if undue delays are anticipated.
- 7.** In general, test results should be provided only to individuals with the

knowledge and skills to explain results and manage the patient. This is currently true particularly for genetic diseases. However, in some circumstances, it may be helpful or even necessary for a laboratory physician to talk directly with a patient. In this situation, the laboratory physician should generally consult with the physician caring for the patient before releasing the report of that test to the patient.

**8.** Laboratory physicians should seek consultation in difficult cases where it appears that the quality of medical care might be enhanced by such consultation. They should seek consultation whenever it is requested by the patient or patient's physician. It is unethical for a laboratory physician to prevent or refuse to seek such consultation.

**9.** Laboratory physicians should acquire and use managerial and administrative skills appropriate to their practice of laboratory medicine. One part of managerial skill consists of allocating resources in the laboratory so that these resources are best used for the maximum number of patients (i.e. understand the principles of distributive justice).

**10.** Laboratory physicians should recognize conflicts of interest and avoid them. If for some reason they cannot avoid being in a position of conflict of interest, they should declare the conflict to any individuals who are party to the situation.

**11.** Laboratory physicians should not advertise their services or those of their laboratories by methods contrary to the guidelines of the provincial College of Physicians and Surgeons.

## **B. PATIENTS AND ATTENDING PHYSICIANS**

**1.** Laboratory physicians should make available their full professional knowledge and skill for the benefit of their colleagues and their patients.

**2.** Laboratory physicians should preserve patient information in professional confidence, unless required to reveal such information by law.

**3.** Laboratory physicians should issue their reports only to the physicians requesting the test or to another physician currently involved in the care of the patients.

**4.** Laboratory physicians should carry out their professional acts for a patient, once undertaken, to their conclusion.

**5.** Laboratory physicians should not perform inappropriate or unconventional tests unless these can be justified by the ordering physician.

## **C. PROFESSIONAL COLLEAGUES**

**1.** Laboratory physicians providing consultation on the material of another laboratory physician should provide that physician with a copy of their report and should communicate directly with him or her if there is a significant difference of opinion. If a fee is charged for such a consultation, then only the professional component allowed by the fee schedule should be charged for such a consultation.

**2.** Laboratory physicians requesting consultation from a second laboratory physician, whether by request of the attending physician and/or patient or not, should provide the consultant with a copy of

the original report and all necessary slides or specimens.

3. Laboratory physicians have a duty and responsibility to uphold the welfare of the public and the honour of their profession. They should report unethical behaviour of their colleagues to the appropriate professional bodies.
4. Laboratory physicians should not pay commissions to or split fees with any other individuals or organizations as an inducement to use their laboratory or order individual laboratory tests.
5. Laboratory physicians should not accept commissions or fees as an inducement for the referral of laboratory procedures to another laboratory.

#### **D. THE LABORATORY**

1. Laboratory physicians should bear responsibility for the overall direction, supervision, safety and personnel selection of their laboratory.
2. Laboratory physicians should provide an appropriate level of personal supervision of laboratories under their control, such that the interests of their patients are protected at all times.
3. Laboratory physicians should maintain records of laboratory reports and other documents as required by law or recommended by the provincial College of Physicians and Surgeons, or other appropriate bodies.
4. Laboratory physicians should establish and maintain appropriate levels of quality assurance procedures in laboratory areas under their control.

5. Laboratory physicians should ensure that a laboratory has a policy manual for users of the laboratory as well as policy manuals governing work within the laboratory.

6. Laboratory physicians should select equipment and supplies for their laboratory responsibility with regard to both suitability and economy.

7. Laboratory physicians may initiate laboratory procedures which have not been ordered when there is a valid clinical benefit to the patient. The test should be discussed with the clinician caring for the patient, and the clinician should order it. If the clinician caring for the patient refuses to order the test, and the laboratory physician thinks that the patient will suffer harm for lack of the test, the laboratory physician should do the test if there is a specimen to perform the test on, and no charge should be made for the test.

8. A laboratory may perform screening tests provided that the test is part of a programme which conforms to the principles of screening as outlined in Lancet Oct. 5, 1974 pp 819-822 and N.E.J.M. 225 138-144, 1984.

#### **E. HOSPITALS AND OTHER ORGANIZATIONS**

1. Laboratory physicians should not enter into arrangements which by their terms impair or interfere with their free and complete use of their medical knowledge and judgement.
2. Laboratory physicians should encourage efficient and effective use of

laboratory services and discourage their over-use.

3. Laboratory physicians are responsible to the medical staff and governing board of their hospital for their professional activities and the performance of their laboratory.
4. Laboratory physicians should respect and abide by all by-laws, regulations and administrative policies of their hospitals.
5. Laboratory physicians should serve on medical and administrative committees of their hospital as required, and should assume leading roles where indicated. Laboratory physicians should recognize that procedures such as autopsies and surgical biopsies serve as a quality control (or outcome analysis) measure for their clinical colleagues, and should provide this information at the appropriate committee (mortality, tissue).
6. Laboratory physicians should participate actively in the educational programmes of the medical, nursing and technical staff of their hospital.
7. Laboratory physicians should recognize that their role as an expert witness in a legal case is not to help one or the other side win, but to provide impartial scientific standards by which the judge or jury, who are triers of fact, can make their own judgement about the facts of the case.

#### **F. PARTNERSHIP, GROUP PRACTICE AND SALARIED PHYSICIANS**

(Applies to any situation where two (2) or more pathologists are working together, regardless of the means of remuneration)

1. Laboratory physicians should select their colleagues on the basis of professional merit.
2. Laboratory physicians in group or partnership practice should be told annually about the source, total, and distribution of the group or partnership income.
3. In situations where remuneration is in the form of a salary, there should be a known salary scale, and the reason for increases (merit, seniority) should be clearly stated and known to all members of the group.
4. There should be an equitable relationship between professional responsibilities and remuneration.
5. All perquisites and benefits, particularly those relating to professional development (such as attendance at scientific meetings and courses, study leave, sabbaticals) should be distributed equitably in proportion to responsibilities. In particular senior pathologists should provide opportunities to junior pathologists for career development.

## **REFERENCES**

*This is based on the 1983 Code of Ethics of the Ontario Medical Association Section of Laboratory Medicine which was written by Dr. Verne Waldorf.*

*Stempsey W.E. The virtuous pathologist. An ethical basis for laboratory medicine. Am J Clin Pathol 1989; 91: 730-738.*

*Baron D.N. Ethical problems in clinical pathology. J App Philosophy 1992;9;189-202.*

***These guidelines were reviewed and approved by the CAP Executive, May 9-10, 1997.***