



## **Proposed EPA Code of Ethics**

Prepared by the EPA Committee on Ethical Issues

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### **Fundamental values**

Psychiatrists must uphold the responsibilities and ethical demands of the medical profession and specific to psychiatry and working with mental health.

Psychiatrists should consider the ethical principles of respect for autonomy, beneficence, non-maleficence and justice. Practicing ethical psychiatry requires awareness, sensitivity, and empathy for the patient as an individual, including their cultural values and beliefs.

Psychiatrists hold the obligation to advocate for universal health care for everyone, and fair and appropriate prevention, care, treatment, and rehabilitation for persons with mental disorders within available resources in their respective country.

Psychiatrists shall work at different levels to promote public mental health and wellbeing, as well as decrease stigma and discrimination associated with mental illness.

Psychiatrists shall not discriminate on the basis of age, race, ethnicity, nationality, religion, sex, gender, sexual orientation, social standing, criminal background, disability, disease, or political affiliations. As such, it is unethical to aid others in the discrimination on these bases, and psychiatrists must never endorse and participate in discriminatory action.

Psychiatrists must stay respectful in communications with patients, patient relatives, and staff. Psychiatrists shall not act as proxy decision makers for their patients and need to stay respectful of patient's decisions and ensure patient's rights to express their will. Psychiatrists should inform patients about diagnostic and therapeutic procedures, promote their autonomy and always seek their informed consent. Psychiatrists should promote education of patients, families and other professionals to empower decision-making processes.



The psychiatrist may not exploit the psychiatrist-patient relationship for their benefit. Psychiatrists are not permitted to be involved during the course of the treatment with a patient in a sexual relationship of any kind.

### **Psychiatrists' responsibilities**

Psychiatrists have a responsibility to:

- Ensure their knowledge and practices are up-to-date through continuing education;
- Be aware of the best available treatments for their patients in their respective country;
- Maintain therapeutic boundaries;
- Guard their health and mental wellbeing and seek help when necessary.

### **Providing individualized care**

Psychiatrists should advise evidence based treatments and try to secure the best available and suitable treatment for their patients, even on rare occasions when this might not be parallel to wishes from the societal level.

In communications with patients, psychiatrists should be able to understand their patient to overcome language and cultural barriers in addition to ensuring to giving security, attention, and time according to the patient's condition, within available resources.

#### *Respect for autonomy and dignity*

Informed consent from patients for care, treatment, rehabilitation, and research is desirable. The psychiatrist is to provide the patient with all relevant information, ensuring that the patient is fully informed of the treatment options, benefits, and drawbacks. In research, the use of the acquired information must be disclosed.

A patient's will and preference should be considered when deciding on a treatment. Psychiatrists need to optimize a patient's ability to exercise self-determination. It is the responsibility of the psychiatrist to optimize trust and respect in the psychiatrist-patient relationship.

Extra care should be taken when dealing with minors. Parents or legal guardians should be included in the treatment process, and their consent should be required according to the legislation in respective country. Psychiatrists have the responsibility to respect the confidentiality and autonomy of the minor.

#### *Gravely ill or disabled patients*

If a patient is gravely ill or disabled beyond their capacity to make a free decision regarding their mental health, the psychiatrists should consult the patient's family members, guardians, legal counselors, or any other individual that society may designate to safeguard that the decision is made in the best



interest of the patient. The psychiatrist should be knowledgeable how to assess the patient capacity to consent.

The psychiatrist shall evaluate the relationship between the patient and their supporting persons, as this can affect treatment outcomes.

#### *Involuntary (compulsory) care and treatment*

Use of involuntary (compulsory) measures shall only be considered when all other options have been exhausted and no alternative is available to provide adequate care and ensure patient's and/or other's safety.

When enforcing involuntary (compulsory) treatment, the psychiatrist shall comply with the laws in their respective country and cooperate with all personnel involved in this process.

Involuntary (compulsory) care and treatment should only proceed while the patient continues to be a risk to themselves or others. The patient's status should be reviewed regularly with accordance to the relevant legal aspects in each European country that is represented in the EPA and consensus for treatment should be sought continuously.

#### *Confidentiality*

Information must be processed lawfully, in accordance with the General Data Processing Regulation (GDPR) law in the European Union and in corresponding laws in other European countries. Psychiatrist should treat information provided confidential to the healthcare system according to the national laws, only using it for treatment of illness and improvement of mental health, except where regulatory or statutory exceptions exist. Patients should be made aware of the confidentiality regulations as soon as possible when they enter the care system.

If confidential information is ever disclosed, the psychiatrist is obliged to inform the person of interest.

#### **Psychiatrists as researchers**

Good practice in research demands that the research always ensures beneficence, nonmaleficence, integrity, informed consent and that people's rights and dignity and respective national medical association guidelines are respected. Exploitation of patients and particular population groups (e.g., by sex, ethnicity and nationalities, occupations, etc.) should be avoided under all circumstances. Potential harm that may be physical, psychological, or cause discrimination and stigma needs to be analyzed in each project and must be avoided.

The research needs to be conducted under ethical approval of a governing body in the respective European country that is represented in the EPA. As individuals under psychiatric care are a vulnerable population in vulnerable situations, special considerations need to be taken to reinforce patients' competence when giving consent.



Researchers must reassure confidentiality of results. This includes securely storing and protecting data from unauthorized personnel in accordance with the *General Data Protection Regulation* law in Europe. It is also important to keep subjects' data anonymous, ensuring to the best of their ability that subjects cannot be identified.

Researchers should always disclose the source of funding for research and any collaborations.

### **Addressing the media**

In addressing the media, psychiatrist should conduct themselves and present information in a way that will preserve the dignity of: psychiatry as a profession; subjects and topics pertaining to psychiatry; psychiatrists; and persons with mental illnesses.

Psychiatrists need to ensure that information on research and findings is accurate, and prevent statements made from misinterpretation. Caution should be taken to avoid discrimination and stigmatization of individuals with mental health problems.

Psychiatrist shall not break the medical confidentiality laws of their countries. Psychiatrist shall conform to the specific libel and slander requisite within their respective countries.

### **Relationship with industry**

Psychiatrist need to disclose affiliations with supporting/collaborating organizations and financial sponsors. It is important for psychiatrists to ensure that any incentives from sponsors do not influence their professional work and, in-turn, the health of their patients.

### **Relationship with third party payers**

Psychiatrists need to ensure that the patient's health is the main focus, and need to ensure patients receive the best treatment possible. This may sometimes conflict with third party payers and organizations which concentrate on maximize their net profit. As such, it is important for psychiatrists to uphold the UN Resolution 46/119 of the *Principles for the Protection of Persons with Mental Illness*, which states that "psychiatrists should oppose discriminatory practices which limit their benefits and entitlements, deny parity, curb the scope of treatment, or limit their access to proper medications for patients with a mental disorder".

### **Specific situations**

#### *Torture*

Psychiatrists must not take part in any process of mental or physical torture, even when authorities attempt to force their involvement in such acts.



*Selection of Sex*

Psychiatrist should not participate in decisions to terminate pregnancy for the purpose of sex selection.

*Assisted suicide*

A physician's duty, first and foremost, is the promotion of health, the reduction of suffering, and the protection of life. The psychiatrist, among whose patients are some who are severely incapacitated and incompetent to reach an informed decision, should be particularly careful of actions that could lead to the death of those who cannot protect themselves because of their disability. The psychiatrist should be aware that the views of a patient may be distorted by mental illness. The psychiatrist's role is to treat the illness. The psychiatrist should not only be guided by the legislation in their country, but also by the standards of the professional organisations. It is not a psychiatrist's duty to take part in assisted suicide.