

AMERICAN BOARD OF NEUROLOGICAL SURGERY

Code of Ethics

Ethics are moral values. They are aspirations and inspirational, as well as model standards of exemplary professional conduct for all applicants for certification and all Diplomates certified by the American Board of Neurological Surgery (the "ABNS"). The term neurological surgeon as used here shall include all such candidates and Diplomates.

Ethics in neurosurgery always means primarily that practitioners act in the best interests of their patients. It is the duty of all neurological surgeons to place the patient's welfare and rights above all other considerations. Neurosurgical services must be provided with compassion, respect for human dignity, honesty, and integrity.

A neurosurgeon must maintain qualification by continued study, performing only those procedures in which he or she is competent by virtue of specific training or experience or with assistance as indicated of one who is so competent. This competence should be supplemented with the opinions and talents of other professionals and with consultations when indicated. Participation in the ABNS' Continuous Certification activities is one of many ways in which neurosurgeons comply with the above requirements.

Open communication with the patient or, if the patient is unable to understand a communication, the patient's relatives, or other authorized representatives, is essential. Patient confidences must be safeguarded within the constraints of the law. The performance of medical or surgical procedures shall be preceded by the appropriate informed consent of the patient or the patient's authorized representative. Timely communication of the patient's condition to referring and consulting physicians is also recommended.

Surgical interventions shall be recommended only after careful consideration of the patient's neurological, physical, social, emotional, and occupational needs. The preoperative assessment must document indications for surgery. Performance of unnecessary surgery, or improperly coding for procedures performed (or not performed), is an extremely serious ethical violation and should never be tolerated or condoned.

Fees for neurosurgical services must not exploit patients or others who pay for those services. In addition, a neurological surgeon must not misrepresent any service that has been performed or is to be performed, or the charges that have been made or will be made for the service.

Delegation of services is the use of nurse practitioners, physicians' assistants, trainees (such as residents and fellows) and other auxiliary health care personnel to provide patient care for which the neurosurgeon is responsible. Neurosurgeons must not delegate to an auxiliary those aspects of patient care within the unique competence of a neurosurgeon (which do not include those permitted by law to be performed by auxiliaries). When any aspects of patient care for which the neurosurgeon is responsible are delegated to an auxiliary, that auxiliary must be qualified and supervised. A neurosurgeon may make different arrangements for the delegation of patient care in special circumstances, such as emergencies, if the patient's medical needs, welfare and rights are placed above all other considerations.

Providing a patient's postoperative medical or surgical care until that patient has recovered is integral to patient management. The operating neurosurgeon and/or appropriate colleagues should

provide those aspects of postoperative patient care within the unique competence of a neurosurgeon (which do not include those permitted by law to be performed by auxiliaries). Otherwise, the operating neurological surgeon must make arrangements before surgery for referral of the patient to another neurosurgeon, intensivist, or physician with the approval of the patient, family, or legal guardian. Fees should reflect postoperative medical or surgical care arrangements with advance disclosure to the patient.

Communications to the public must be accurate. They must not convey false, deceptive, or misleading information through statements, testimonials, photographs, or other means. They must not omit material information without which the communication would be deceptive. Communications must not appeal to an individual's anxiety in any excessive or unfair way; they must not create unjustified expectations of results. (this last sentence is somewhat overreaching in my opinion). ~~The neurosurgeon must provide appropriate informed consent. If communications refer to benefits or other attributes of neurosurgical procedures that involve significant risks, a realistic assessment of the safety and efficacy must also be included, as well as the availability of alternatives, with descriptions and/or assessments of the benefits and attributes of those alternatives where necessary to avoid deception.~~ (informed consent was mentioned in a preceding paragraph and it seems out of place missing in one paragraph public communications and public display with elements of informed consent) Communications must not misrepresent a neurosurgeon's credentials, training, experience, or ability, nor contain material claims of superiority that cannot be substantiated. If a communication results in payment to a neurosurgeon (e.g., the paid promotion of a product), such must be disclosed, unless the nature, format, or medium makes that apparent.

Neurosurgeons must comply with all applicable laws relating to their practice, with particular sensitivity to laws prohibiting kickbacks or other improper remuneration to incent or reward referrals, as well as laws prohibiting the referral of certain services to entities in which the neurosurgeon has a financial interest.

Neurosurgeons must respect patient privacy and confidentiality, including by complying with all applicable laws, regulations, rules, and accepted standards relating to the privacy and security of patient health information. Patient freedom of choice of provider also must always be respected.

Neurosurgeons who provide expert testimony in legal proceedings should limit their testimony to areas within the scope of their professional competence and experience. They should express only conclusions or opinions that are supported by and do not go beyond the medical records or the personally performed examinations that form the basis for their testimony. They should not express conclusions or opinions that are influenced or tainted in any way by the compensation they receive in connection with their expert testimony.

When engaged in research and other scholarly pursuits, neurosurgeons must comply with all applicable laws, as well as all rules of their institutions and of research sponsors, Neurosurgeons also must comply with all requirements of Institutional Review Boards, ensure that appropriate consents are obtained for all research involving human subjects and avoid any activity that could reasonably be construed as scientific misconduct (e.g., misappropriation of research funds; falsification of results or data). In all their scholarly publications, neurosurgeons ensure appropriate attribution and recognition of participating co-researchers and co-authors.

Neurosurgeons who are deficient in character or who engage in fraud or deception should be identified to appropriate local, regional, state, and/or national authorities. A physically, mentally, or

emotionally impaired neurosurgeon should withdraw from those aspects of practice affected by the impairment.