

University of Texas Medical Branch

PRINCIPLES OF ETHICAL CONDUCT

Preamble

The University of Texas Medical Branch at Galveston (UTMB) is committed to the promotion of high ethical standards in all of its operations and recognizes a fundamental responsibility to protect and promote the rights and responsibilities of its employees, staff, patients, families, and community citizens.

UTMB is a large academic medical center and serves a diverse population of patients, students, educators, scientists, healthcare providers, administrators, and community members. As a social institution concerned with the understanding and improvement of human health, UTMB is responsible for providing scholarly teaching, innovative scientific investigation, and state-of-the-art patient care in a humane, learning environment. This mission is carried out through activities generated in the professional schools of medicine, nursing, allied health, the Graduate School of Biomedical Sciences, the UTMB Hospitals and Clinics, the Marine Biomedical Institute, and the Institute for the Medical Humanities. While each of these entities has its own set of traditions, values and aims, together they embody the institution's shared commitment to preventing disease, preserving and promoting health, treating illness, and fostering humanistic and scientific knowledge. Like other health care organizations, UTMB has a responsibility to identify its basic institutional values and to express those values in all aspects of its institutional life and culture.

General Policy Statement of Ethical Principles

UTMB has a responsibility to patients, employees, and the community it serves to conduct patient care, research, education, and business operations in ethically responsible ways, consistent with professional standards and emphasizing such core values as excellence, caring, accountability, mutual respect, and professional integrity.

The commitment to ethical conduct at an individual and organizational level applies to relationships within UTMB as well as to matters which involve the general public, other health care providers or institutions, educational institutions, businesses, and other entities. Ethical conduct at each level includes not only compliance with laws and internal policy, but also a commitment to the ideals and values expressed in specific codes of professional, legal, and administration ethics.

A. Guiding Documents

Overall ethical behavior of UTMB is guided by the following organizational documents developed with institution-wide participation under the authority of the Board of Regents of the University of Texas and the UTMB Governance Board:

- Mission
- Vision and Values
- Strategic Plan
- Quality Improvement Principles of Service
- Ethics and The University of Texas Medical Branch - A Brief Practical Guide
- UT System Board of Regents Rules and Regulations: Ethics Policy 2.27.7 Code of Ethics
- UTMB Institutional Handbook of Operating Procedures
- UTMB Institutional Ethics Committee Operating Guidelines
- UTMB Principles of Ethical Conduct
- UTMB Graduate Medical Education Institutional Statement
- UTMB Patient Information Guide

B. Ethics Policy at UTMB Hospitals and Clinics incorporates two principal areas, each of which is detailed in the next section of this policy:

- Patients' Rights and Responsibilities

- Institutional Rights and Responsibilities

I. Policy on Patient Rights and Responsibilities:

A. **Description of General Policy:** UTMB Hospitals and Clinics uphold the rights of patients to receive respectful, competent, and appropriate care and service and to exercise their right of self-determination. UTMB employees are charged with carrying out their professional functions with compassion and respect for the human dignity of the patient.

- UTMB supports the patient's rights to autonomy, self-determination, privacy, and assists the patient in obtaining appropriate medical, surgical, rehabilitative, palliative, and/ or social services.

B. Specific **Ethical Standards** pertaining to Patients' Rights include the following:

1. Access: UTMB staff supports the patient's right to appropriate care, treatment or service subject to its mission, capability, and applicable law and regulation including the patient's right to access protective services.
2. Treatment (including advance directives): UTMB staff has established policies and mechanisms to ensure the patient's involvement in all aspects of care, treatment, and service. These policies include but are not limited to the following patient needs:
 - Obtaining Informed Consent for treatment
 - Obtaining Informed Refusal for unwanted treatment
 - Documenting Advance Directives
 - Family and/or surrogate decision making about patient care and treatment decisions
 - Participation in Research, Scientific Investigation, and/or Clinical Trials
 - Organ Donation and Procurement
 - Decisions to Withhold or Withdraw Life-sustaining Treatment
 - Decisions to Withhold or Withdraw Resuscitative Treatment
 - Decisions relative to End-of Life Care and Treatment
3. Respect: UTMB supports considerate care that safeguards patients' personal dignity and respects their cultural, psychological and spiritual values, as well as their moral and legal rights. This support is reflected in the following policies or institutional mechanisms which address the value of respect for patients and families.
 - Patient Information Guide
 - Informed Consent for Treatment
 - Informed Refusal of Treatment
 - Confidentiality of Information/Privacy
 - Security/Safety
 - Communication Services
 - Legal and Protective Services (guardianship, conservatorship)
 - Resolution of Conflicts
 - Anatomical Gift Act
 - Pastoral Services
 - Determination of Death
 - Surrogate Decision Making
4. Organ/Tissue Donation and Procurement: UTMB, with the collaborative participation of the medical staff and regional entities, has established and implemented an effective mechanism and policy for the procurement and donation of organs or tissues.

5. Research, Scientific Investigation, Clinical Trials: UTMB has established policies and other mechanisms to protect patients and respect their rights during research investigation and/or clinical trials.
- The UTMB Policy on the Protection of Human Subjects requires that any faculty member, staff, student or employee who proposes to engage in any research, demonstration or other activity involving the use of human subjects, tissue, or bodily fluids have prior review and approval by the Institutional Review Board (IRB). This includes Clinical Trials.
 - The IRB is charged with safeguarding the rights and welfare of the subjects who participate in the research activity as set forth in the Office for the Protection from Research Risks Multiple Project Assurance and Federal Regulations 45 CFR 46.
 - The Principal Investigator for a research project approved by the IRB at UTMB is ultimately responsible for obtaining informed consent on each and every subject approached and entered into a research protocol. The consent should be obtained prior to any procedure being performed on the subject.
 - A Principal Investigator may delegate the responsibility for obtaining informed consent for research participation to an appropriately qualified assistant or colleague; however doing so does not exempt the Principal Investigator from his/her primary ethical responsibility or accountability.
 - A copy of the informed consent document should be placed in the subject's UTMB medical record. The IRB mandates that the investigator keep a copy of each subject's signed consent form in his/her own research files, and each subject should be given a copy of the signed consent form for his/her own personal records.
 - Scientific Integrity - UTMB Scientific Misconduct Committee has published established guidelines relevant to Scientific Integrity.
 - UTMB Committee to Review Research Related Financial Disclosure has produced a UTMB Conflict of Interest and Financial Disclosure Policy.

C. **Implementation of Patient Rights Policy**: The UTMB policies pertaining to Patient Rights and Responsibilities are disseminated in the following ways:

- Posting of Patient's Bill of Rights and Responsibilities in hospital lobbies and other areas visible to patients, their families and staff, waiting areas; and/or visitation areas
- Inclusion in employee/resident/student orientation
- Periodic continuing professional education programs
- Publication in employee/staff newsletters
- Distribution of patient handbook on admission
- Presentations by UTMB patient rights advocates
- Communication through closed circuit television
- Dialogue with members of the public regarding community concerns affecting the rights of patients
- Ethics Rounds, Clerkships, In-services

D. **Conflict Resolution**: A crucial element of any effective policy on ethical conduct is a process for addressing and resolving ethical questions, conflicts, and/or dilemmas of hospital staff and patients, family members, and other decision-makers. The **UTMB Ethics Consultation Service** was established to consider, discuss and help resolve ethical and other care dilemmas that arise during the delivery of patient care and/or clinical research. A Clinical Ethicist is available, as needed, to assist caregivers and patients or their appointed representatives.

II. Policy on UTMB Institutional Rights and Responsibilities

A. **Description of Policy**: The University of Texas Medical Branch at Galveston is committed to the promotion of high ethical standards in all of its patient care and business operations. In addition to upholding codes of professional conduct which guide the practices of physicians, nurses, allied health professionals, social workers, and other employees, UTMB is committed to ethical conduct in the proper stewardship of its resources and activities. UTMB has established the following Principles of Service as the basis for its organizational ethic:

1. Professionalism

- Demonstrate competence, caring and compassion to each individual.
 - Maintain confidentiality; demonstrate character, dependability, and trust-worthiness.
 - Communicate and explain actions and services.
 - Create a positive image of UTMB through professional behavior and dress. Understand that we represent UTMB during every contact.
2. Teamwork
 - Help each other serve our patients.
 - Foster constructive relationships with co-workers, managers, and others we encounter. Value differences by listening to, and appreciating, various points of view.
 - Respond immediately to situations that arise. Create a therapeutic environment.
 3. Improvement
 - Embrace change by promoting teamwork and continuous process improvement. Safeguard and preserve the resources of the organization.
 - Achieve excellence through performance and continued learning.
 - Value patient and internal/external feedback.
- ◆ UTMB follows these ethical principles in its business relationships with other health care providers, payers, or networks.

B. Specific **Ethical Standards** pertaining to Institutional Rights and Responsibilities:

1. Admission, Transfer and Discharge
 - Admission, transfer or discharge procedures are based on a fair and honest assessment of the patient's medical needs, available medical provider resources, and appropriate professional judgment including safety considerations of the patient. A patient should not be transferred until there is confidence that he or she will receive the needed services competently and in accordance with accepted professional standards and legal requirements.
2. Billing Practices
 - UTMB recognizes the importance of conducting its billing practices in ways that promote honesty, accuracy and fairness. Patients and third party payers have the right to question bills received from UTMB, and to receive answers to their questions in a manner that is both timely and courteous. They also have the right to be informed of the formal process for review of any billing inquiries that cannot be quickly and easily resolved. Although patients and third party payers have the responsibility to avail themselves of the formal process for review, once they have done so they have the right to expeditious and respectful examination of their inquiry and should expect a good faith consideration of their questions and/or complaints. Any general credit or collection procedures should be conducted in accordance with applicable law and UTMB policy.
3. Marketing and Public Relations
 - Marketing practices cover a wide scope of actions and products including but not limited to conduct (such as recruitment and public relations) and reports, brochures or other methods of disseminating information. The manner in which these endeavors are conducted is as important as the results obtained. Marketing and public relations practices should be conducted in a manner that is truthful, accurate, fair and respectful of patients, the UTMB community and the larger public. UTMB recognizes the importance of accurately representing its services, levels of licensure and accreditation, and other matters upon which patients, prospective employees, businesses, educational institutions or other individuals or organizations might rely.
4. Conflicts of Interest
 - UTMB is accountable for the proper stewardship of its resources and activities. UTMB officials responsible for the UTMB mission follow a decision process which is fair, truthful, and sound. Prior to entering into a contractual agreement with any outside entity, UTMB should review the relationship proposed, approving or rejecting the contract based on prudent buying practices and the potential for real and perceived conflicts of interest. In the delivery of patient care, the conduct of business, performance of research, provision of education or any other enterprise in which UTMB is engaged, individual employees and organizational departments should be aware of the importance of identifying potential conflicts of interest and of immediately addressing and correcting avoidable conflicts when they arise. It is also important to give prompt attention to perceived conflicts of

interest, since misperceptions may harm trust relationships with patients, colleagues and the community.

5. Purchasing

- As a recipient of federal awards and state funds, UTMB recognizes the importance of adhering to the principles of fairness, honesty, accuracy, cost-effectiveness, and prudent buying competition in its purchasing transactions. Purchasing agents and their staffs or authorized representatives are responsible for complying with the principles of purchasing ethics outlined in the Rules and Regulations of the Board of Regents, Part II, Chapter IV, Sections 1-5. Additional policies pertaining to purchasing transactions are:
 - UTMB Purchasing Policy and Procedures
 - UTMB Grant and Contract Direct Policy
 - UTMB Consistent Treatment of Costs Policy
 - UT General Administrative Policies and Services, Section 4 Fiscal Policies, 4.2.1

6. Contracting

- UTMB recognizes the importance of adhering to applicable rules, laws, and procedures pertinent to its contractual relationships in all areas of its mission. These standards are explicated in the following official documents:
 - Rules and Regulations of the Board of Regents, Part I, Chapter III
 - Texas Government Code Section 572.005
 - Texas Government Code Section 572.051

**Specific policies and resources can be located in the
UTMB HANDBOOK OF OPERATING PROCEDURES and/or other institutional documents.
A compendium of these is appended.**

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Appendix of Related Policies and Resources

I. Patients' Rights and Responsibilities

A. Informed Consent/Informed Refusal

- 9.3.2 Consent to Photograph, Video/Audio Record and/or Televised Patients
- 9.3.3 Telephone Consent for Treatment/Procedures
- 9.3.7 Guardianship
- 9.3.8 Identification of Patient Abuse and/or Neglect
- 9.3.9 Reporting Abuse and/or Neglect of Children, the Elderly and/or Disabled Persons
- 9.3.10 Consent for HIV Antibody Testing and for Disclosure of Results
- 9.3.13 Patients' Rights
- 9.3.14 Patients' Responsibilities
- 9.3.16 Refusal of Consent for Urgently/Emergently Required Medical Treatment
- 9.3.17 Patient Consent - Overview and Basic Requirements
- 9.3.18 Consent for Treatment of a Minor
- 9.3.20 Informed Consent for Immunization of a Minor
- 9.3.21 Consent for Sterilization
- 9.3.22 Special Issues of Consent

B. Advance Directives/Self Determination

- 9.15.5 Initiating Advance Directives, Including DNR Orders
- 9.15.6 Withholding or Withdrawing of Life Support With an Advance Directive
- 9.15.7 Withholding or Withdrawing Life Support Without an Advance Directive
- 9.15.8 Out of Hospital Do Not Resuscitate (DNR) Order

C. Confidentiality/Privacy

- 7.1.6 Students' Ombudsman Policy
- 2.19.6 Information Resources Security
- 9.1.4 Patient Transportation Department Services
- 9.2.6 Medical Record Access
- 9.2.11 Confidentiality of Patient Information
- 9.2.17 Release of Information to External Review Organizations (Onsite and Telephone)
- 9.3.13 Patients' Rights

D. Security/Safety

- 2.3.5 Sexual Assault Prevention
- 2.4.1 Identification Badges
- 2.4.5 Offense/Incident Reports
- 2.4.6 Removal of UTMB Property
- 2.4.7 Missing or Stolen UTMB Property
- 2.4.9 Possession of Firearms
- 2.13.5 Records Retention Management
- 2.13.6 Electronic Mail (E-mail)
- 2.19.6 Information Resources Security
- 3.1.1 Emergency Operations Staffing

- 3.3.5 Filling of Temporary Vacancies
- 3.6.4 New Employee Orientation
- 3.6.5 Performance Appraisal System
- 3.6.6 Administrative and Professional Performance Appraisal System
- 4.4.13 Cash Handling and Reporting
- 7.1.5 Student Right-to-Know and Campus Security Act
- 9.1.4 Patient Transportation Department Services
- 9.1.9 Delayed Discharge of an Infant
- 9.3.11 No Smoking Policy for Patients and Their Visitors
- 9.7.3 Hospital Visitations - Overnight Restrictions
- 9.9.1 Treatment of Patients in Police or Institutional Custody
- 9.9.2 Security Associated with the TDCJ Hospital
- 9.9.3 Hostage Policy Involving TDCJ Hospital Inmate Patients
- 9.9.4 Security Management
- 9.13.6 Initiating and Monitoring Restraints

E. Communication/Visitation

- 9.7.1 Hospital Visitation - Official Visiting Hours
- 9.7.2 Hospital Visitation - Age Restrictions
- 9.7.3 Hospital Visitation - Overnight Restrictions
- 9.7.4 Visitors to Patients in Isolation or Precautionary Status
- 9.7.5 Hospital Visitor Conduct

F. Organ Donation

- 9.15.3 Authorization for Organ/Tissue Donations

G. Counseling (Patient)

- 2.1.2 Institutional Handbook of Operating Procedures
- 2.3.5 Sexual Assault Prevention
- 9.3.10 Consent for HIV antibody Testing and For Disclosure of Results

H. Death and Decedent Affairs

- 9.15.1 Disposition of Deceased Patients
- 9.15.4 Release of Autopsy Reports to Families of Deceased Persons
- 9.15.9 Determination of Death

I. Abuse and Neglect

- 3.10.1 Discipline and Dismissal
- 9.3.8 Identification of Patient Abuse and/or Neglect
- 9.3.9 Reporting Abuse and/or Neglect of Children, the Elderly and/or Disabled Persons

J. Resolution of Complaints (Patients)

- 2.3.5 Sexual Assault Prevention
- 2.12.2 Nondiscrimination
- 3.2.4 Sexual Harassment
- 9.3.13 Patients' Rights

- 9.3.14 Patients' Responsibilities
- ◆ UTMB Ethics Consultation Service Program

II. Institutional Rights and Responsibilities:

A. Admission, Transfer and Discharge

- 9.1.1 Registration at UTMB Hospitals and Clinics
- 9.1.2 Management of Patient Belongings
- 9.1.3 Admitting and Accommodating Texas Department of Criminal Justice Patients
- 9.1.4 Patient Transportation Department Services
- 9.1.6 Routine Inpatient Discharge and Transfer
- 9.1.8 Passes for Inpatients
- 9.1.9 Delayed Discharge of an Infant
- 9.1.10 Observation Patient Beds
- 9.1.11 Operations of Special Care Units
- 9.1.12 Memorandum of Transfer
- 9.1.14 Patient Discharge Planning
- 9.1.16 Admission of Direct Transfer Patients
- 9.1.20 Day Surgery Unit (DSU)
- 9.1.21 Examination and Treatment for Emergency Medical Conditions and Women in Labor
- 9.3.13 Patients' Rights
- 9.8.1 Financial Arrangements for UTMB Services

B. Billing Practices

- 9.3.13 Patients' Rights
- 9.8.1 Financial Arrangements for UTMB Services
- 9.8.2 Unreimbursed Medical Care for Indigent Patients
- 9.8.9 Acceptance of Indigent Inpatients for Educational Programs
- ◆ UTMB Consistent Treatment of Costs Policy
- ◆ Grant and Contract Direct Policy
- ◆ Vernon's Texas Civil Statutes Fair Debt Collection Practices Act

C. Marketing and Public Relations

- ◆ Governing Assembly of the Public Relations Society of America Code of Professional Standards
- ◆ Public Health Service Act, Title VI and Title XVI
- ◆ 45. C.F.R., implementing Section 504 of the Rehabilitation Act of 1973

D. Conflicts of Interest

- ◆ Regents Rules Part 2, Chapter IV. Purchasing
- ◆ Regents Rules Part 1, Chapter III. Ethics Policy
- ◆ General Appropriations Act, Article IX General Provisions, Other Expenditure Limitations, Section 52. Limitation on Contracts with Previous Employees
- ◆ Vernon's Texas Civil Statutes Fair Debt Collection Practices Act, Section 51.923. Qualifications

- of Certain Business Entities to Enter Into Contracts With an Institution of Higher Education
- ◆ Texas Government Code, Section 572.005 - Determination of Substantial Interest
- ◆ Texas Government Code, Section 572.051 - Standards of Conduct

E. Purchasing

- ◆ UTMB Grant and Contract Direct Policy
- ◆ UTMB Consistent Treatment of Costs Policy
- ◆ UTMB General Administrative Policies and Services, Section 4, Fiscal Policies, 4.2.1

F. Contracting

- ◆ Rules and Regulations of the Board of Regents, Part I, Chapter III
- ◆ Texas Government Code Section 572.005
- ◆ Texas Government Code Section 572.051

G. Conduct Toward Other Health Care Providers, Educational Institutions and Payers

- 1.1 Mission of UTMB
- 2.27.7 Internal Audits - Code of Ethics
- 5.4 Faculty Policies - Code of Ethics
- 7.1.3 Student Conduct and Discipline
- 9.3 Patient Rights
- ◆ Political Aid, Legislative Influence, and Standards of Conduct Provisions of the 1997-1998 Appropriations Act

H. Patient Records

- 9.2.1 Patient Report Documents Produced by Automated Systems
- 9.2.2 Release of Incomplete Inpatient Medical Record
- 9.2.3 Retiring Incomplete Inpatient Medical Records
- 9.2.4 Release of Patient Information to Family/Friends, and Media
- 9.2.6 Medical Record Access
- 9.2.7 Access to Medical Records Located on Patient Care Units
- 9.2.8 Medical Record Forms Management
- 9.2.9 Delinquent Medical Record Sanctions
- 9.2.10 Birth Certificate for Babies Born at UTMB
- 9.2.11 Confidentiality of Patient Information
- 9.2.12 Creation of UTMB Medical Record
- 9.2.13 Medical Record Maintenance
- 9.2.14 Medical Record Retention
- 9.2.15 Medical Record Documentation
- 9.2.17 Release of Information to External Review Organizations (On-site and Telephone)
- 9.2.18 Processing Specimens Without a Medical Record
- 9.2.19 Loose Medical Document Handling

I. Resolution of Complaints (Employees and Students)

- 2.3.5 Sexual Assault Prevention
- 3.7.4 New Employee Probationary Period
- 3.9.10 Family and Medical Leave
- 3.10.2 Appeals

- 3.10.3 Grievance
- 7.1.3 Student Conduct and Discipline
- 7.1.6 Students' Ombudsman Policy
- 7.1.13 Other Non-Academic Concerns
- 7.1.14 Student Non-Academic Grievance Procedures
 - ◆ Student Statement of Principles Governing Professional Conduct

Questions regarding the development of these principles can be referred to Michele A. Carter, PhD, UTMB Ethics Program, 409-747-1230.