

REPORT OF THE COUNCIL ON ETHICAL AND JUDICIAL AFFAIRS

CEJA Report 5-I-08

Subject: Modernizing the *AMA Code of Medical Ethics*

Presented by: Regina Benjamin, MD, MBA, Chair

1 As stewards of the *Code of Medical Ethics*, the Council on Ethical and Judicial Affairs (CEJA) is
2 charged with the responsibility of ensuring that the *Code*, first promulgated in 1847 at the founding
3 of the American Medical Association, continues to provide timely, relevant, cogent guidance for
4 the profession of medicine and its individual physician and medical student members.
5

6 The *Code* is a living document, evolving with changes in medical science and health care delivery.
7 New Opinions have been issued as new ethical challenges have been identified, existing Opinions
8 have been revised and clarified, and no longer relevant Opinions have been sunsetted. Given the
9 nature of this evolutionary process, it is inevitable that over time imperfections have crept into the
10 document, including potential inconsistencies in both terminology and guidance among different
11 Opinions that address similar topics. The *Code* has also become more difficult to navigate as new
12 Opinions on similar topics have been incorporated into different sections of the document. To
13 ensure that the *Code* effectively serves as the leading source of ethical guidance for the profession,
14 it is important that periodically it be systematically reviewed and comprehensively updated. The
15 last such review was carried out more than 30 years ago.
16

17 CEJA is therefore initiating a three-year, multi-stage project to review and update the *Code of*
18 *Medical Ethics*. As a first step, the Council proposes to reorganize the existing content of the *Code*
19 more intuitively into the following chapters:
20

- 21 1. Introduction
- 22 2. Principles of Medical Ethics*
- 23 3. Patient-Physician Relationship & Medical Decision-Making
- 24 4. Confidentiality & Privacy
- 25 5. Genetics & Reproductive Medicine
- 26 6. End-of-Life Issues
- 27 7. Organ Procurement & Transplantation
- 28 8. Innovation & Research Ethics
- 29 9. Governmental & Social Policy
- 30 10. Professional Self-Regulation
- 31 11. Interprofessional Relations
- 32 12. Advertising & Conflicts of Interest
- 33 13. Financing & Delivery of Health Care

* CEJA does not anticipate recommending revisions in the *Principles of Medical Ethics*, last updated in June 2001.

1 Systematic critical review of each Opinion of the current *Code* (2008–2009 edition) will focus on:

- 2
- 3 • relevance – with respect to topic, ethical analysis, and recommendations;
- 4 • thoroughness of analysis and cogency of recommendations; and
- 5 • consistency with other *Code* content on related topic(s).
- 6

7 Review will also aim to identify:

- 8
- 9 • topic gaps that should be addressed in new CEJA reports and recommendations;
- 10 • opportunities to combine two or more existing Opinions on related issues into an
- 11 overarching report and recommendations; and
- 12 • opinions that are outdated and should be replaced (or, where appropriate, deleted).
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14 This first stage of the project will yield a comprehensive proposal recommending specific changes
15 to be made to the *Code* for review by CEJA.

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17 In the second stage of the project, CEJA will determine what particular changes should be made in
18 the *Code*. CEJA proposes to operationalize recommended changes in one of the following ways, as
19 appropriate:

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- 21 • *Informational Report*—Where revisions consist of modest changes occasioned by
22 combining two or more existing Opinions into a single, overarching analysis whose
23 recommendation(s) does (do) not differ in substance from the guidance provided by
24 current policy, CEJA will submit an informational report to the House of Delegates in
25 accordance with bylaws.
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- 27 • *CEJA Report*—Where the Council deems that substantive revision is called for—e.g., to
28 address an important topic not covered by existing Opinions or to combine two or more
29 Opinions when the resulting recommendation(s) differ(s) materially from the guidance
30 provided by existing policy—a new CEJA report will be prepared and submitted to the
31 House of Delegates in accordance with bylaws.
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33 CEJA staff will be assisted in this project by expert consultants, Karine Morin, LLM, former CEJA
34 Secretary, and Lee J. Black, LLM, former CEJA Senior Research Associate, with further guidance
35 from additional subject matter experts (to be identified). CEJA will also solicit review of proposed
36 revised content from stakeholders, including (but not limited to) representatives from AMA
37 Councils, Sections, members, and the Federation.

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39 To ensure that the House of Delegates is kept abreast of the project as it moves forward, CEJA
40 proposes to issue regular progress reports to the House, in the form of informational reports,
41 beginning at the 2009 Annual Meeting and continuing through release of the updated *Code* in
42 2011. CEJA may also wish to explore other opportunities for engaging the House over the course
43 of the project, for example, by convening special stakeholder sessions or Open Forums to update
44 the House and solicit input on key questions.

Proposed Project Timeline

<i>November 2008 (I-08)</i>	<i>Informational report to HOD setting out overall project and timeline</i>
November 2008 – March 2009	Staff and advisors review content CEJA reviews preliminary recommendations from staff and advisors
<i>June 2009 (A-09)</i>	<i>Informational report to HOD setting out recommendations for change and next steps</i>
August 2009 – October 2009	CEJA and stakeholders review draft revisions
<i>November 2009 (I-09)</i>	<i>Progress report to HOD</i>
December 2009 – May 2010	CEJA and stakeholders review draft revisions
<i>June 2010 (A-10)</i>	<i>Progress report to HOD</i>
July 2010 – October 2010	CEJA and stakeholders review draft revisions
<i>November 2010 (I-10)</i>	<i>Progress report to HOD</i>
December 2010 – March 2011	CEJA reviews final revisions
<i>June 2011 (A-11)</i>	<i>Revised Code released</i>