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ETHICS

Pediatrics and social media

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Social media such as Facebook, Twitter, LinkedIn, and Instagram have brought numerous benefits to modern life, including the ability to communicate immediately and directly with anyone anywhere on the planet. Ironically, now, we often see people together in a restaurant, with each of them immersed in their smartphones, hardly noticing the ones around them. A new form of social interaction is developing, and many people no longer feel tied to former social and ethical values.

Current cellular devices, most of which are smartphones, among other functions, allow users to take pictures, record audio, and make videos. Because of this ease of access, many people focus on the question of “Can I? (Am I able to?)” and fail to ask “May I? (Do I have the right to?)” which frequently leads people to act in rude and selfish ways.

People visiting museums, art shows, plays, and concerts know that it is common for spectators to record audio or video or to take pictures, even with signs explicitly prohibiting them from doing so. It is as if people are asking, “how can they prohibit me from doing something if I can (I am able to) and I want to do it?”

It is no different with Medicine. In undergraduate and graduate-level programs as well as in seminars, lectures, and conferences, we frequently see people recording audio and video or taking pictures without bothering to ask permission, even when they have been informed beforehand that this behavior is prohibited.

There are no concerns over copyrights, despite the law outlined in Article 5 of the Brazilian Constitution, which states, “Everyone is equal under the law, with no distinctions of any nature: Brazilian and foreign residents in the country are guaranteed the unalienable right to life, liberty, equality, safety, and property under the following terms:...XXVII: authors hold the exclusive rights to the use, publication, or reproduction of their work, and

such rights may be passed down to their heirs for the period of time established by law...” XXVIII: ...the following is granted, as regulated by ordinary law: a) protection to the individual participation in collective works and to the reproduction of human voices and likenesses, including those associated with sports-related activities; b) the right to oversight of economic gain from works created or participated in by creators, performing artists, and the respective unions or associations that represent them...”

New media affect many daily situations in the medical practice and have introduced and exacerbated ethical dilemmas that need to be evaluated and discussed.

Remote medical consultations

Remote medical consultations began via the use of landlines and have been greatly expanded with the use of cellular phones and digital media. Patients frequently use digital methods to find answers to their doubts and even to replace in-person consults with virtual ones. However, it is the physician’s responsibility to establish boundaries and prevent problems because diagnosing and providing prescriptions without proper examination of patients exposes physicians to ethical and judicial (civil and criminal) consequences. The Brazilian Code of Medical Ethics addresses the issue in Chapter V, Patient and Family Relations, Article 37, which prohibits physicians from “prescribing treatment or other procedures without a direct examination of patients, except in cases of urgency, emergency, or proven impossibility to perform such an examination; in such cases, physicians must provide proper care as soon as possible.” The sole paragraph of this article also states that “remote medical attention, such as that which is provided in telemedicine or through another method, shall occur under regulations by the Brazilian Federal Council of Medicine.”

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In addition, Chapter XII, Medical Advertising, Article 114, states that physicians are prohibited from “providing consultations, diagnoses, or prescriptions through any means of mass communication.”

Physicians still assume total responsibility for their patients’ outcomes if they provide a prescription without properly examining the patient; this situation may increase physicians’ liability.

The ethical implications of consultations performed through the Internet are discussed in Rio de Janeiro State Council of Medicine (CREMERJ) Opinion No. 65/98, which states that, “it is our opinion that any and all medical advertising is always liable to breaching the Brazilian Code of Medical Ethics. The Internet can and should be used for collective purposes and not for individual consultations, in which we believe that the patient’s physical presence with the physician is essential, not least because it generates a responsibility by the physician regarding the medical act.”

Advertising by physicians and medical confidentiality

On social media, it is common for physicians to post self-promoting information, to refer to expressions of gratitude from patients or even to share such messages. It is not uncommon for a patient’s case or successful procedure to be cited or even explained in detail. These actions are not ethical.

The Brazilian Code of Medical Ethics addresses this issue in Chapter XIII, Medical Advertising, Article 111, which states that physicians are prohibited from “allowing their involvement in the publicity or publication of medical information in any type of mass communication if this information goes beyond mere clarification and education for society.”

In addition, Article 118 of the same chapter states that physicians must “include their state medical license number in all professional advertising of any kind.” Paragraph 1 the same article states that “in advertisements for health care establishments, the name and state medical license number of the technical director must be included.”

Article 5 of the Brazilian Constitution states, “Everyone is equal under the law, with no distinctions of any nature: Brazilian and foreign residents in the country are guaranteed the unalienable right to life, liberty, equality, safety, and property under the following terms: ...X: personal intimacy, private life, honor, and image are unalienable, which ensures the right to compensation for moral or material damages resulting from the violation of those rights...”

It is common for physicians to post pictures with their patients on Facebook, and for pediatricians, these patients are children and adolescents. Such posts often discuss the case and the success of the treatment or procedure. Some of the posts note that the information has been “published with authorization from the patient.” However, this disclaimer does not protect physicians. Brazilian Code of Medical Ethics, Chapter IX, Professional Confidentiality, Article 75, states that physicians are prohibited from “referring to identifiable clinical cases or exposing patients or their likenesses in professional advertising or publication of medical topics in any means of communication, regardless of whether the patient has provided authorization.”

Information technology and the tools it provides are here to stay, and they have largely brought advances for humanity, generally, and for medicine, specifically. However, since the time of Hippocrates, physicians have had to remember that it is their obligation to make use of any tools available to them to benefit the patient without being carried away by vanity or possible profit and that they must always respect ethical boundaries. Physicians can never forget that the ultimate purpose of medicine is to care for patients.