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Gifts

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In this chapter, we will discuss the ethics of accepting gifts both from patients and from the pharmaceutical or other industry. Although the ethics of accepting gifts from industry may be similar in psychiatry as in other fields of medicine, accepting gifts from patients may be much more complicated. Therefore, the latter topic will be discussed first and in greater detail.



Gifts From Patients

Psychiatrists may occasionally be challenged when patients or their families attempt to give them gifts. This issue is not as black and white as that of sexual boundary violations, and often the appropriate action in dealing with patients' gifts must be evaluated on a case-by-case basis. The decision of whether or not accepting a gift from a patient is ethical may be affected by several factors, including the nature and cost of the gift, the therapeutic relationship between the doctor and patient, and the transference issues that lead to giving the gift. One particular clinical vignette from our residency program illustrates this point rather well.

A male fourth-year resident at a university hospital began seeing a male undergraduate who was suffering from major depression. The resident saw the patient for three to four sessions for medication management, and the patient improved significantly with a standard dose



of a selective serotonin reuptake inhibitor. The patient and his family were quite grateful for the dramatic improvement and wanted to thank the resident. They were of Middle Eastern descent and felt it appropriate in their culture to purchase a small gift for someone who had helped them so much. At the fourth appointment, the patient brought the resident a gift of a small lamp to be put in his office. The resident, not having faced this situation before, accepted the gift with some hesitation and later presented the case to his two supervisors, a psychopharmacologist in a large, university-based practice and an analyst with a private practice. The analytic supervisor insisted that the resident “return the gift immediately.” The psychopharmacologist gave him the opposite advice: “Returning that gift will alienate the patient and his family. Do not return it.” The resident decided to keep the gift, the relationship with the patient did not seem affected, and the patient went on to a full recovery.

Why the difference of opinion? Was one of these physicians being unethical, or was each of them speaking from a different personal experience? Is accepting a gift from a patient sometimes ethical? The answer to the last question, made with some hesitation, is “Yes.”

Clearly, this issue cannot be served by a blanket statement that accepting gifts is either always or never acceptable. The issue must be addressed in each individual case by asking and answering a few questions: Will the acceptance or refusal of a gift adversely affect the health and well-being of a patient? What is the meaning behind the gift?

It is unethical for psychiatrists to encourage their patients to give them gifts. This likely does not happen often. Yet, patients may give gifts for a multitude of reasons: they are grateful for the care given them, it is the holiday season, or perhaps the gift is just “an innocent gesture of goodwill” (Lyckhom 1998). When the reason behind the gift appears truly benign, accepting it may be ethical. In such cases, not accepting the gift may cause a patient to feel rejected and unwanted, feelings that may be significantly countertherapeutic.

In these cases, considering the cost and nature of the gift is also important. Most small gifts are likely ethical to accept. However, putting a dollar figure on what constitutes a “small gift” is difficult. For one patient, a \$10 box of chocolates may be pocket change, whereas for another, that amount may be his or her daily food money. When the gift represents a significant financial burden to the patient, accepting the gift is likely unethical. The situation becomes much more complicated if one is treating a wealthy patient who purchases an expensive gift, yet does not consider it expensive given his or her financial standing. Al-

though one does not want that same patient to feel rejected, the psychiatrist must recognize whether the patient has an unconscious motivation to give the gift and whether the physician's acceptance is based in part on his or her own personal gratification. Acceptance of large or extravagant gifts by the psychiatrist may represent a "serious boundary transgression" (Gabbard and Nadelson 1995). A large financial donation to an institution by a wealthy patient might be publicly acknowledged, but giving that patient special consideration or attention because of the gift is unethical. Especially large or expensive gifts should be acknowledged publicly, then directed to an appropriate charity or foundation (Lyckhom 1998).

The nature of the gift itself must also be considered. Accepting an extremely intimate gift such as lingerie would be unethical, as would gifts of money for the physician's personal use. In such cases, we begin to suspect that a patient's motivation for giving a gift is not so innocent. Giving the gift may represent an attempt to equalize the power structure of the relationship or to seduce the physician, or may be a conscious or unconscious bribe (Lyckhom 1998). It is important that the treating psychiatrist be aware of transference issues present in the therapy as a possible basis for the patient's gift. In some instances, accepting a gift could perpetuate an erotic or other transference and could be quite harmful to the therapeutic relationship—and ultimately to the patient. Accepting gifts in such instances is unethical.

The setting and nature of the therapeutic relationship come into play here as well, such that accepting certain gifts from a patient seen yearly for a medication check might be permissible, whereas accepting the same gifts from a patient in analysis would not be. In the vignette described earlier, the difference in opinion between the two supervising psychiatrists may have its basis in ethics as well as clinical judgment. From the analyst's experience, accepting gifts from patients is unethical and clinically unsound because it clouds the therapeutic relationship and transgresses boundaries. From the pharmacologist's perspective, the patient is being managed with medications, and more harm would be caused by refusing the gift. Neither is right or wrong, but this example demonstrates the need to look at each case individually and to consider the number of variables at work when a patient gives a gift.

Ultimately, "the best interest of the patient is a fundamental parameter by which to measure whether an action is ethically acceptable" (Lyckhom 1998, p. 1945).

Gifts From Industry

Most physicians find themselves exposed to pharmaceutical company representatives from the first day of their residencies. Often, the overworked and underpaid resident looks forward to “free” textbooks, food, and other gifts that these drug companies can provide. The question of whether accepting these is ethical has been one of considerable debate. Some physicians clearly take advantage of every social event sponsored by the pharmaceutical industry, whereas others refuse even to speak with the representatives who stop by their offices. This issue is faced not only by psychiatrists but by other physicians as well. Are there ethical standards to go by?

The American Medical Association (AMA) already has opinions on gifts to physicians from industry. In summary, opinion 8.061 of the AMA Code of Medical Ethics (American Medical Association Council on Ethical and Judicial Affairs 2000–2001) notes—

Gifts to physicians should benefit patients, relate to the physician’s work, and be of minimal value. Drug samples are allowed, but nonretired physicians may not request samples for personal use. Cash gifts are unacceptable. Gifts should not directly help defray costs of attending a continuing medical education activity or compensate a doctor for time spent at the event, with the exception of faculty speakers. Continuing medical education activities should be chosen for their educational value only. Gifts should serve a genuine educational purpose. Gifts should not be accepted if strings are attached. Scholarships for medical students or residents to attend educational conferences may be awarded to academic institutions, not individuals.

Clearly, any sort of direct reimbursement for prescribing a medication is unethical (Chren et al 1989). However, most situations are less obvious: drug companies may provide physicians with meals, household items, tickets to entertainment, or gifts related to education (e.g., textbooks, journals).

Some feel strongly that such gift giving is unethical in that “inherent in the relationship is an obligation to respond to the gift [which]

may influence the physician's decisions with regard to patient care or possibly even erode the physician's character" (Chren et al 1989, p. 3449). The same physicians may feel that gifts from drug companies represent the spending of the patients' money, which is "spent without the patients' knowledge or consent" (Chren et al 1989, p. 3449). They also feel that acceptance of such gifts alters society's perceptions of the profession and establishes some obligation on the part of the physician toward the pharmaceutical company. Ideally, in the minds of the industry, that obligation is to prescribe their medication. Others disagree, stating that such gifts "only facilitate the drug companies' getting enough attention for their products for them to be fairly considered as treatment options and should not be considered unethical" (Gorski 1990).

The inherent obligation may be minimized when gifts are institutional rather than personal. Therefore, it is likely ethical for drug companies to give money to institutions for educational activities, books, or journals in "exchange for only an explicit acknowledgement" (Chren et al 1989). Others feel that gifts such as textbooks or stethoscopes might be unethical as well, since they provide some obligation between the individual and the drug company (Gelbart 1990).

Despite some differences in opinion, the reality is that we live and practice in a world where contact with the pharmaceutical industry is difficult to avoid. Accepting gifts from industry is likely ethical if they contribute to physicians' education or care of patients and do not exceed the norms of pharmaceutical-supported gifts to physicians. Unusually large or extravagant gifts that support neither the physician's education nor patient care likely serve only to increase the physician's obligation to the drug company and are likely unethical. At the same time, one should view gifts presented in the name of education or patient advocacy with some skepticism, keeping in mind that using a company's product solely because of gifts given, rather than using the product because it serves the best interests of the patient, would be unethical.



Conclusions

The psychiatrist may be on the receiving end of gifts from both patients and industry throughout his or her career. Although in some instances



accepting such gifts may be blatantly unethical, for the most part the issue is less clear and needs to be evaluated on a case-by-case basis. Clinicians can often decide whether accepting gifts is ethical or unethical by asking themselves if doing so—or not doing so—will be in the best interests of their patients.



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