

# DEAR Labby



Dear Labby,

I have encountered a scientific conduct and ethics issue that I never saw coming and on which I seek your advice. I am a Professor of Medicine (M.D./Ph.D.) in the Division of Oncology at an academic medical center, and enjoy a high reputation for clinical skill and scholarly research in my field, which is tumor cell biology and cancer chemotherapy. As happens with many academic physicians, I have grateful patients, some of whom make donations to my institution. A system is in place to ensure that these monies do not flow directly to my research lab, salary, or other direct support. Recently, a cancer patient I enrolled in a clinical trial had an extremely good outcome. This patient is wealthy and has made a \$25 million gift to my institution to support the Division of Oncology via annual earned income from this endowment. Due to the institutional policy mentioned above, neither I nor my laboratory benefits

directly from these funds. These monies are used to support core research facilities, our seminar program, and other programs in the Division that benefit everyone, and not me in particular.

Risk for the particular form of cancer my patient had has a high degree of inheritability, so when a close relative of my patient recently phoned for an appointment, I told my scheduling assistant to bump this appointment up in the queue. Instead of a visit three months away, I saw this patient the day after she phoned.

A few weeks later I was contacted by a representative of our Patient Safety Committee and then by my institution's Research Integrity Officer. Both of these officials are also professors and colleagues, and, in fact, are friends; but now they suddenly seem like Grand Inquisitors. They are raising the possibility that it was an ethical breach for me to bump up this patient.

I have spent many sleepless nights agonizing over this. It is possible that I may be sanctioned by my institution, the very beneficiary of this family's philanthropy. I wonder if Labby can add more light.

—Perplexed Physician Scientist

Dear Perplexed,

The most telling feature of your query is your signature. Perplexed is a sincere and understandable reaction. You were indeed in a conflict of interest when the relative phoned for an appointment.

The institution's seemingly draconian reaction must be understood in the context of the litigious atmosphere that prevails today. The most extreme possibility is that the patient who was bumped back in the queue might someday file a lawsuit alleging that diagnosis of an early stage tumor was missed. Consider the different scenario in which a major donor seeks a professor's help in getting a child into medical school. That is also a conflict but differs importantly in that no patient is put at risk.

Could you have done otherwise? You might have referred this patient to an oncologist at a neighboring institution. But, the donor family might have complained. Better, you could have stayed late one day and seen the originally scheduled patient. That would have avoided the conflict of interest and yet been consistent with the code of practice (whether Mamon's or Hippocrates'). But hindsight is always perfect.

Readers may find this medical ethics case outside the bounds of the cell biology profession but Labby chose it as a cautionary tale. When donors make substantial gifts to academic institutions, an array of possible conflicts arise, with both faculty and the institution. Remarkably, although many lawyers have penned prose to cover these issues, nothing can be more enabling than common sense and the permanent state of honesty that is the canon of our profession. ■

—Labby

Direct your questions to [labby@ascb.org](mailto:labby@ascb.org). Authors of questions chosen for publication may indicate whether or not they wish to be identified. Submissions may be edited for space and style.

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