

Annex I - Code of Ethics of the Aesthetic Physicians Association of Malta (APAM)

Preface

APAM expects its members to uphold the highest ethical standards of aesthetic medicine .

The following ethical standards apply to all APAM members. These standards cover:

1. Ethical Responsibilities to patients
2. Ethical Responsibilities to other APAM members
3. Ethical Responsibilities towards the profession and the Laws of Malta
4. Discipline

This Code provides guidance to APAM members to avoid any unethical practice of aesthetic medicine. Members who do not abide with the Code are subject to disciplinary action which can also lead up to expulsion from membership.

This Code may be amended by a two-thirds majority vote of the Board of Directors upon consideration of any recommendations of the APAM Ethics Committee, which is to be composed of three members of the board. The first three members are:-

President: Dr Jason Debono

General Secretary: Dr Joanna Delia

Treasurer: Dr Charlene Scicluna

1. ETHICAL RESPONSIBILITIES TO PATIENTS

Patient Safety

APAM's first priority is patient safety. Member's primary responsibility is to promote the highest standards of aesthetic treatments to ensure patient safety.

Competence

APAM Members should provide services within the boundaries of their education, certification, training, license and other relevant professional experience. Members should always practice based upon a

scientific basis. A member should exercise careful judgment, appropriate education, research and training when performing emerging procedures to ensure the competence of their work and for patient safety.

Informed Consent

Members can decide in full autonomy whom to treat. A member should be clear in the explanation of treatments, risk and alternatives and services should be provided only in the context of informed consent. When photographic documentation is required or any other media format, consent forms should be clear and specific to the patient.

Patient Assessment

APAM Members are also responsible for the patient's health. An informed consent must be obtained sufficiently in advance of performing the procedure and to give the patient enough time to reflect.

Privacy and Confidentiality

(a) A member must respect the patient's right to medical and personal privacy.

(b) A member may disclose personal health or confidential information:

1. As directed with valid consent by a patient or a person legally authorized to consent on behalf of a patient.
2. In response to a third-party request when the patient has first revealed personal health information to such third party, but only to such third party and only to the same extent as first revealed by the patient.
3. In response to a publication by a patient in which the patient has revealed personal health information, but only in the same publication and only with respect to the same personal health information published by the patient.
4. When required by law or necessity to protect the welfare of the individual or the community.

(c) A member should inform patients about the disclosure of personal health or confidential information and the potential consequences. When feasible, this should be done before the disclosure is made.

(d) A member should protect the confidentiality of patients when responding to requests from the media.

(e) A member should not disclose confidential information, personal health information or personal identifiers when discussing patients for teaching or training purposes or with consultants, unless the patient has consented to such disclosure.

Professional Fees

A member shall determine the fee to charge for any particular service, including discounts which should be clearly stated.

A member shall determine the fee to charge for any particular service, including whether to identify the fee as discounted, provided the regular fee is also stated so as to make the identification of the current fee as discounted neither false, fraudulent, deceptive nor misleading.

Conflicts of Interest

APAM members must avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment. A member should inform patients when a real or potential conflict of interest arises and take reasonable steps to ensure that any treatment decisions are motivated solely by the patient's best interests. In some cases, protecting patients' interests may require termination of the professional relationship with proper referral of the patient.

A member should not take unfair advantage of any professional relationship or exploit others to further one's personal, religious, political or business interests.

Sexual Relationships

A member shall not engage in sexual misconduct.

Sexual Harassment

A member may not sexually harass patients or staff. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct is unwelcome or creates a hostile work environment.

Derogatory Language

Members may not use, transmit or post defamatory, harassing, abusive, derogatory or threatening language, but shall only use accurate and respectful language in all written or verbal communications.

Interruption of Services

A member should do their best to offer continuity of services and should only be interrupted by factors such as unavailability, relocation, illness, disability or death.

Termination of Services

A member should terminate service only under unusual circumstances after giving careful consideration to all factors to minimize adverse effects.

A member who anticipates the termination or interruption of services to patients should notify patients promptly and seek the transfer, referral or continuation of services in relation to the patients' needs and preferences.

2. ETHICAL RESPONSIBILITIES TO OTHER APAM MEMBERS

Respect

APAM members should treat other members with respect. Professional comments and criticism must be accurate and appropriate.

A member must avoid unwarranted negative criticism, which may include demeaning comments that refer to the member's race, ethnicity, national origin, gender, sexual orientation, age, marital status, political belief, religion, mental or physical disability, with other patients, the public, the media or with other professionals.

Confidentiality

A member should respect confidential information shared by other members in the course of their professional relationships and transactions.

Intellectual Property

The term "intellectual property" includes all creations of the mind for which exclusive rights are recognized, including, but not limited to, text, graphics, photographs, copyrights, trademarks, service marks, trade secrets, software, and patents held by individuals, corporations, or other entities, or that violates privacy, publicity, or other personal rights of others.

A member may not infringe the intellectual property rights of any other members. When using the intellectual property of another the owner's permission is required and shall clearly provide proper recognition.

Disputes Involving Other Members

(a) A member should not take advantage of a dispute between members to obtain a position or otherwise advance the member's own interests.

(b) A member should not exploit patients in disputes with other members or engage patients in any inappropriate discussion of conflicts between members.

Referral of Patients

Members should refer patients to other professionals when the other professional's specialized expertise is needed for the best interest of the patient.

Sexual Harassment

A member may not sexually harass other members. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct is unwelcome or creates a hostile work environment.

Impairment and Incompetence of Other Members

Members should immediately seek consultation and take appropriate action from professionals should they be suffering from psychological distress, legal problems, mental health difficulties. It is very important not to allow these difficulties to interfere with the professional judgement or performance or compromise patient's safety.

A member who has direct knowledge of another member's impairment or incompetence should consult with that member or should take action with appropriate authorities if they believe the member's condition compromises patient's safety.

Unethical Conduct of Other Members

A member who believes another member acted unethically should discuss their concern with other members when feasible. When necessary, action through APAM's Committee should be taken or any appropriate regulatory channels.

3. ETHICAL RESPONSIBILITIES IN PRACTICE SETTINGS

Unethical Publishing

A member both personally or through affiliated intermediaries, shall not publish anything which is false, fraudulent, deceptive or misleading, whether or not such publishing is for personal, commercial or practice-related purposes.

4. ETHICAL RESPONSIBILITIES TOWARDS THE PROFESSIONAL

Advertising and Public Relations

A member should follow The Malta Medical Council Code of Ethics and the European Standards (EN16844:2017+A1:2018 (E)) regarding medical aesthetic when it comes to advertising. A member shall be held personally responsible for any violation of this Code of Ethics.

Any loss of the right to practice medicine due to license suspension, license revocation or personal incarceration shall result in the automatic termination of membership in the APAM Association.

Violation of Law

Tax - Members to give Fiscal Receipt to patient for every procedure and declare all income according to Law.

Violation of any applicable law, medicine laws, rules, regulations or codes of professional conduct shall be presumed to be a violation of this Code of Ethics.

5. DISCIPLINE

Enforcement of this Code shall follow the policies and procedures established by the Board of Directors and the Bylaws. For violations of this Code, potential discipline includes:

- (a) Private censure.
- (b) Public censure.
- (c) Probation.
- (d) Suspension.
- (e) Expulsion.
- (f) Referral to licensing boards for further action.

Adopted by the APAM Board of Directors on October, 2021