

## The Contrasting Impacts of Professional Ethics and Market-s Based Thinking on the Commitments of Professional Health Organizations

Our goal in this session is to shed some light on what professionalism and professional ethics mean in relation to this group's efforts to collaborate in the further development and dissemination of Low Level Laser Therapy. There are ways in which professionalism and professional ethics could easily be challenged as this group moves forward, especially if your efforts to collaborate lead you to form a new professional organization of some sort. For one thing, there are the legal standards for the proper conduct of research – here in the U.S, in the European Union, or wherever your research is done or tested – and the ethical reasons behind these legal standards. But I am sure you are all familiar with them, so I will not focus on them here. Instead my remarks will aim at clarifying the nature of the challenges to professional ethics and professionalism that you will face as you formulate the goals, mission, and guiding values of whatever collaborative initiatives you decide to undertake.

Let me begin by summarizing in a few sentences what we mean when we say that professionals have special ethical obligations. A profession is first of all a group of people who have special expertise. They possess a body of knowledge and the skill to employ for people's benefit regarding something that the larger society values highly, in this case the benefits of health care. When a society wants safe and dependable access to this expertise when it is needed, the society grants to this expert group exclusive social authority to make socially determining decisions in the area of their expertise. Thus the health professions have been granted the social authority to make decisions about health care and professional biomedical researchers have similarly been granted social authority regarding biomedical research. But social authority is something that could be misused; it could, for example, be used chiefly to benefit those who have it rather than the people they serve. So the larger society only grants this social authority to a profession only on condition that the profession as a whole and each individual professional commit themselves to practicing in accord with ethical standards that the profession and the larger society negotiate together. In other words, being a member of a profession, whether one of the health professions or a member of the profession of biomedical research, entails being committed to dependably and conscientiously practicing in accord with the ethical standards that that profession and the larger society have negotiated. This is not just as aspiration or a secondary goal; to be a professional is to be committed to practicing in accord with your profession's ethical standards. Moreover, while many professions have organizations that have published summary codes of ethics, and some aspects of professional practice are regulated by the law, the complete content of any profession's ethics-as-practiced and therefore each professional's ethical commitments include much more that is not articulated in codes or in the law.

But this means that, if this group begins to collaborate together for the sake of greater development and use of LLLT in health care, the result –whether it is a formal organization or it takes some other form – will be seen by the larger society as, and in fact will be, a professional

collaboration. And that means that the work of determining the character of your collaboration, its goals, its mission, its guiding values, must include as an essential component of that work an explicit commitment to the ethics of the professions you represent.

One of the challenges you will face as you go forward and begin to explicitly address the goals, mission, and guiding values of your collaboration is that this group already includes members of a number of different professions. For example, I do not think you will be able to simply copy the new group's ethical standards from one or other of the constituent professions for each of the professions has its own distinctive professional commitments.

But I believe the task will actually be more still more challenging than that because your group is not only made up of health care providers and biomedical researchers with different day-in and day-out goals. It also includes significant representation from the laser industry. It may already include researchers whose goal is to improve laser technology and disseminate it, but who function at considerable distance from caring for actual patients; and there may well be already or will be before very long laser industry personnel who work in sales, public relations, and all the other activities that are focused on making a commercial enterprise successful in the market place. This means that the collaboration that results from your efforts will be a very complicated amalgam – if you don't mind a dental image – one that tries to combine the values and concerns of the marketplace with professional values and commitments.

I do NOT want to sound overly cynical in saying this because I am sure that many of the laser industry researchers and leaders are personally sincerely committed to improving patients' health. But it is important, in order to understand the challenges facing you, to contrast the ethical standards of the market place with those of professional practice.

The basic ethical standard of the marketplace is that we not interfere with anyone else's efforts to act on the basis of their own judgment unless they are in turn interfering with someone else acting on his or her own judgment. The marketplace ethics requires us to carry out our voluntary agreements and prohibits us from coercing others precisely because these actions interfere with another person's acting on their own judgment. For the same reason, the ethics of the marketplace prohibits outright lies between seller and consumer. But even the briefest look at marketplace advertising in our society makes it clear that misleading advertising messages, as well as true information that is provided too quickly or in print too small to be legible, are not considered violations of this standard. In other words, the ethics of the marketplace seems to leave sellers plenty of room for adjusting how they describe their products in order to lead a consumer to choose what produces the best return for the seller.

But the most important difference between the ethics of the marketplace and professional ethics is this. A marketplace relationship is a relationship in which each party aims to maximize the outcome for themselves. In a marketplace relationship, there is no ethical commitment to give any priority to the well-being of the consumer or the end-user. If the outcome of a particular

marketplace encounter leaves the consumer or the end-user no better off or even in a worse position than before, it will still be a successful marketplace relationship if it maximizes the seller's interests, provided only that coercion and outright lies have been avoided.

As you determine the goals, mission, and guiding values of your collaboration, you will need to decide if your working together is a professional enterprise – and if so then for the benefit of whom ? – or simply a sophisticated kind of trade association doing public relations for therapeutic lasers in the international marketplace. You will need to decide if you are a group of people and organizations working together for someone else's benefit, or you are a group of competitors who happen to have some common interests. And the difficulty of these ethical decisions will almost certainly be exacerbated by the role that marketplace considerations play in the availability of research funding.

It will be very tempting, by the way, to articulate the goals, mission, and guiding values of your collaboration in broad generalities that are too vague to place any limits on what you do. I would urge you not to be satisfied with results that sidestep the ethical challenges I have mentioned, even though dependable answers to these questions will take time to negotiate and articulate. But, I submit, it would be a serious mistake to simply postpone this effort altogether until a later time. This task will surely not be done by tomorrow afternoon. But it needs to be recognized as being essential both functionally, since genuine collaboration will be hard to achieve without it, and ethically because declining to pay attention to the ethical challenges of one's situation is hardly the right way to be ethical professionals.

Finally, let me mention that what I have been talking about here are the ethical commitments, and the actions that flow from them, of this *group* – along with those who join it hereafter – *as a group*. And so, when you need a label to help you discuss these issues, the phrase currently being used elsewhere is to speak of issues about a group's goals, mission, and guiding values *as a group* as issues of "Organizational Ethics." And this expression will be appropriate whether your collaboration results in a formal organization or takes some other form.

I hope these remarks have been helpful. Gail Simonofsky of the Academy of Laser Dentistry will now talk about Organizational Ethics efforts within that organization.