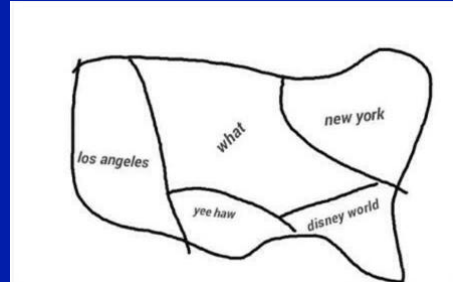


## The Fallacy of Disclosure

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## Where is Mississippi?



## Professions

- Esoteric knowledge
  - Prolonged training
- Freedom from lay control
  - Code of ethics
- Esteemed place in society

## IoM- Col

“A set of circumstances that creates a risk that professional judgment or actions regarding a primary interest will be unduly influenced by a secondary interest”

## Conflict of Interest

- Direct
- Indirect
- Waiveable

## Waiver of Conflicts

- Objectively reasonable, subjective belief  
Competent/diligent care  
In spite of conflict
- No other prohibition
- Not directly adverse

## Scope

The fee-for-service treatment setting poses substantial conflicts of interest in which the physician's treatment decision may be affected by his financial interests in treating a particular patient. The possibility of economic pressures clouding physician judgement are systemic in medical practice.

## Management of Conflict



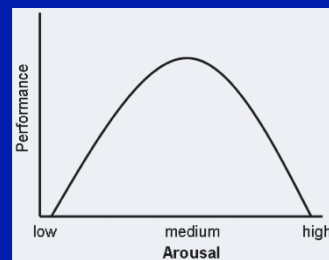
## 1st Problem

- Discretionary
- Range of opinion
- Accuracy and extent  
–Under emphasis

## 2nd Problem

- Sanitize Col
- Belief that patient *assumes* the risk

## Yerkes-Dodson



### 3rd Problem

- Violation of fiduciary duty
- Balance doctor-patient relationship with value of advice

### 4th Problem

## Bolstering

### 5th Problem

## Therapeutic Misconception

### Suggestions

- Compensation structures
  - Ownership interests
  - Procedures
- Clinical research

### Contact

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