

Bylaws of the Code of Ethics for Psychiatrists

The Japanese Society of Psychiatry and Neurology

1. Respect for the Humanity of the Individual

Psychiatrists Must Always Uphold the Dignity and Humanity of Individuals With Mental Illness.

1-1 Respect for Humanity

Every person, regardless of disability, has the right to be treated with respect as an individual with fundamental human rights and to lead a life that preserves their dignity. In recognition of this right, psychiatrists consistently respect individuals with mental illness.

1-2 Consideration for the Rights of Persons with Disabilities

Ensuring human rights, fundamental freedoms, and respect for the inherent dignity of individuals with disabilities is a shared responsibility. Psychiatrists contribute to this effort by applying and advancing their professional knowledge and skills to support those who experience ongoing and significant limitations in their daily or social lives. When called upon for professional care and assistance, psychiatrists will respond with their expertise and skills.

Psychiatrists must never engage in unfair discrimination against individuals with mental illness.

2. Appropriate Assessment

Psychiatrists Must Conduct Evidence-based, Objective Assessments of Individuals With Mental Illness to the Fullest Extent Possible.

2-1 Appropriate Evaluation of Medical Treatment

Psychiatrists should evaluate and diagnose a patient's mental condition and disorder as scientifically and objectively as possible. This evaluation must consider the patient's psychological, developmental, and personality traits, along with social and environmental factors. Scientific and medical evidence, as well as the patient's reported concerns, must be given the highest priority in this process.

If the psychiatrist's evaluation may lead to restrictions on the individual's rights or freedoms, the decision must be made appropriately, based on legal, scientific, and medical evidence.

Psychiatrists must not engage in unscientific evaluations or allow discrimination or bias to influence their evaluations.

2-2 Appropriate Evaluation in Psychiatric Evaluation

When a psychiatrist is appointed to conduct a psychiatric evaluation related to criminal responsibility or competency, they must carry out the evaluation properly and conscientiously as an expert witness. Fairness and neutrality are fundamental principles in psychiatric evaluation. To uphold the individual's human rights, the psychiatrist must explain the purpose of the evaluation to the individual at the outset.

2-3 Evaluations Requested by Government Agencies

When a government agency requests a psychiatric evaluation in accordance with the law, the psychiatrist must prioritize fairness and neutrality. To respect the individual's human rights, the psychiatrist must explain the purpose of the evaluation to the individual at the beginning of the process.

3. Commitment to the Best Interests of the Individual

Psychiatrists Must Collaborate With Other Specialists and the General Public to Provide Psychiatric Treatment and Comprehensive Support That Prioritizes the Best Interests of Individuals With Mental Illness.

3-1 Provision of Treatment

Treatment should be selected based on what is most beneficial for the individual. Psychiatrists must consider the individual's will and preferences, evaluate appropriate treatment options using scientific evidence and the latest information, and provide treatment based on informed consent.

When determining treatment, psychiatrists should strive to offer multiple options. Since the most scientifically optimal treatment and what is best for the individual may not always align, decisions must consider the individual's medical condition, will, preferences, and other relevant factors.

Whenever possible, inpatient treatment should align with the patient's wishes and preferences.

3-2 Medical Records

Psychiatrists must accurately document the details of medical treatment provided during the course of care.

3-3 Multidisciplinary Cooperation

Psychiatrists must collaborate with other professionals as needed to provide treatment and comprehensive support.

3-4 Medical Referral

If an examination indicates that another medical institution can provide more suitable care and support for the patient's condition, the psychiatrist must make an appropriate referral. If the patient requests a referral to another medical institution, the psychiatrist should generally comply with the request.

It is inappropriate to unilaterally terminate a treatment contract solely due to a referral to another institution. Psychiatrists must make an effort to ensure the patient understands the necessity of the referral, even if the patient has difficulty recognizing its importance.

4. Respect for the Right of Self-Determination

When Providing Treatment or Support, Psychiatrists Must Strive to Obtain Valid and Fully Informed Consent from Individuals With Mental Illness by Ensuring the Provision of Appropriate and Sufficient Information.

4-1 Informed Consent

Psychiatrists must provide medical care based on the individual's informed consent, ensuring that consent is obtained through thorough and careful discussions that consider the individual's will and preferences.

4-1-1 Information and Accountability

For individuals to exercise their right to self-determination in medical care, they must be provided with sufficient information, including available treatment options and the benefits and risks of each. Psychiatrists must ensure that patients receive adequate information to make well-informed decisions based on their medical condition and other relevant factors.

4-1-2 Agreement

Psychiatrists must confirm the patient's will through appropriate means, considering factors such as age, medical condition, and current decision-making capacity. If requested, the psychiatrist must assist in the decision-making process in a professional manner, working collaboratively with the individual and their supporters.

Psychiatrists must evaluate the individual's capacity to make medical decisions through individual consultations. Even if the patient lacks the ability to make decisions regarding medical treatment, the psychiatrist must fully respect their wishes and preferences.

4-2 Exceptions to Informed Consent

In emergencies where immediate medical intervention is required to prevent harm to the individual, treatment may be provided based on proxy consent. Psychiatrists must carefully and appropriately determine whether proxy consent is necessary in such situations. If deemed particularly necessary, psychiatrists must provide the required medical care necessary to protect the individual while making efforts to obtain subsequent consent from the patient or their representative.

4-3 Decision Support

Decision-making support is a process that maximally respects the individual's right to self-determination. Psychiatrists must provide appropriate support in their professional capacity, ensuring that the individual's autonomy is upheld.

5. Confidentiality

Psychiatrists Must Uphold the Standards of Confidentiality Concerning Individuals With Mental Illness.

5-1 Duty of Confidentiality

Confidentiality is especially crucial in psychiatry, as it forms the foundation of a trusting relationship. The obligation to maintain physician confidentiality is legally binding, with potential imprisonment for violations. Psychiatrists must safeguard all information obtained during their work, whether in clinical practice or any other professional capacity.

5-2 Release of Confidentiality

If a psychiatrist becomes aware of an imminent danger to the individual or a third party in the course of their work, they must take appropriate action in accordance with legal requirements to provide necessary information to government agencies.

5-3 Disclosure of Medical Records

When an individual requests access to their medical records, psychiatrists should, in principle, comply with the request. However, if disclosure is likely to cause serious harm to the individual's mental or physical health or negatively impact a third party's interests, limiting disclosure to the minimum extent necessary to prevent such harm is acceptable.

6. Nonmaleficence

Psychiatrists Must Make Every Effort to Avoid Actions That Could Cause Harm to Individuals With Mental Illness.

6-1 Risks Associated with Psychotherapy and Other Nonpharmacological Treatments

When providing psychotherapy or other treatments that affect the psyche and mind, psychiatrists must carefully consider both the potential benefits and risks. They must take appropriate measures to minimize any possible disadvantages.

6-2 Monitoring of Side Effects

Monitoring of adverse effects is crucial to reducing the risks associated with pharmacological treatment. Psychiatrists must use medications appropriately and collaborate with other professionals to monitor for potential side effects. Since nonpsychotropic medications may also induce psychiatric symptoms, psychiatrists must remain vigilant regarding the side effects of medications prescribed by other physicians.

6-3 Safety Considerations in Behavioral Restrictions

To minimize the risks associated with behavioral restrictions such as seclusion, physical restraint, or limitations on open treatment, timely consultation with a physician and collaboration with nurses and other professionals are essential. Psychiatrists must prioritize the physical and mental well-being of individuals subject to such measures during hospitalization and work to safeguard their rights.

6-4 Risks Associated with Providing Information

If the disclosure of medical information is expected to cause significant harm to an individual under specific circumstances, psychiatrists must take steps to mitigate such risks. If, despite careful consideration, providing the information is still likely to result in substantial harm, withholding the information may be justified.

6-5 Weighing Benefits and Risks

When determining treatment or support, psychiatrists must consider potential adverse events and side effects to minimize risks to the patient. For instance, if a noninvasive treatment is likely to improve the patient's condition, it should be prioritized over pharmacotherapy when appropriate.

Treatments or interventions where the anticipated disadvantages significantly outweigh the benefits are not suitable. Psychiatrists must avoid providing such treatments and must carefully consider factors such as drug dosage, contraindications, and allergies.

7. Prohibition of Abuse and Exploitation

Psychiatrists Must Never Misuse Their Expertise or Professional Position, Nor Exploit Individuals With Mental Illness in Any Way.

7-1 Prohibition of Misuse of Professional Position

Psychiatrists must not exploit their professional skills or authority. Engaging in sexual contact with a patient or pressuring a patient to participate in research related to medical treatment benefits or risks constitutes an abuse of position and is unacceptable. Additionally, it is inappropriate for a psychiatrist to publicly comment on the mental state or personality of a public figure or celebrity without their consent and without personally conducting an evaluation, as this constitutes an improper use of professional skills and authority.

7-2 Prohibition of Exploitation

Exploiting a position of authority, including sexual exploitation, is a serious ethical violation. Psychiatrists must not take advantage of individuals with mental illness in any way.

7-3 Prohibition of Inhumane Conduct

Psychiatrists must not engage in any actions that violate basic human dignity.

8. Cultivation of Personal Character and Maintenance of Competence

Psychiatrists Must Continuously Strive to Develop Their Personal Character, Uphold Integrity, and Acquire the Latest Knowledge and Skills in Both Their Specialty and Related Fields.

8-1 Personal Development

Psychiatrists must work to refine their character, uphold their professional dignity, and maintain their credibility within the field.

8-2 Continuous Self-Improvement

Psychiatrists must take lifelong efforts to acquire the latest knowledge and skills in their specialty and related fields. They must maintain an open-minded attitude, learning from individuals with mental illness, and must not adopt prejudicial or discriminatory views toward them.

9. Mutual Responsibility Among Colleagues

Psychiatrists Must Respect Their Fellow Professionals but Should Not Tolerate Unethical Behavior Among Colleagues.

9-1 Professional Collaboration and Support

To fulfill their professional responsibilities effectively, psychiatrists must engage with one another regularly and strive to build mutual trust and cooperation.

9-2 Professional Criticism

Psychiatrists must differentiate between constructive professional critique and inappropriate criticism while taking responsibility for their own conduct toward colleagues.

9-3 Addressing Unethical Conduct

If a psychiatrist directly observes unethical behavior in a colleague, they must provide advice, guidance, or counsel. If unethical behavior persists despite professional intervention or if a rights violation has occurred, appropriate support must be provided to protect the victim's rights.

10. Adherence to Research Ethics Principles

When Conducting Clinical Research, Psychiatrists Must Follow the Ethical Principles Outlined in Relevant Research Ethics Regulations.

10-1 Compliance with Research Ethics

Psychiatrists must adhere to all applicable laws, regulations, and ethical guidelines when conducting research. In principle, research involving human subjects requires prior approval from the Ethics Committee.

10-2 Informed Consent for Research Participation

Psychiatrists must obtain appropriate informed consent before conducting research, considering both the potential risks and the individual's ability to make an informed decision. Participation through an opt-out procedure is allowed only if the research poses no risk to life or physical well-being and has been individually approved by the Ethics Committee.

10-3 Disclosure of Conflicts of Interest

Psychiatrists must appropriately disclose any conflicts of interest related to their research and provide a full explanation upon request.

11. Contribution to Society

Psychiatrists Should Engage in Appropriate Mental Health and Welfare Education and Awareness Initiatives to Improve Mental Health and Welfare Services.

11-1 Anti-Stigma

Psychiatrists should work to eliminate disadvantages, disparities, and discrimination associated with disabilities by promoting accurate knowledge and awareness of psychiatry and mental health.

11-2 Contribution to Awareness Initiatives

Psychiatrists should engage in appropriate educational activities to promote mental health and welfare, using their expertise and up-to-date knowledge.

Raising awareness in the field of education is particularly important, as it can have a broader societal impact. Psychiatrists are committed to contributing educational efforts in this area.

11-3 Awareness Activities with Stakeholders

Psychiatrists should collaborate appropriately with stakeholders such as government agencies and pharmaceutical companies while ensuring compliance with relevant regulations. When conducting educational activities at the request of stakeholders, psychiatrists must be mindful of the applicable laws, regulatory requirements, and any potential conflicts of interest.

Additionally, they should clearly distinguish between personal opinions, stakeholder perspectives, and widely accepted scientific knowledge.

11-4 Support for Other Professionals

Psychiatrists contribute to the advancement of mental health services by providing professional support, including assisting other professionals and caregivers in acquiring knowledge and skills related to mental health and welfare.

11-5 Suicide Prevention

When working with individuals at risk of suicide, psychiatrists must conduct a psychiatric evaluation and provide appropriate support as needed. If the evaluation indicates an imminent risk of suicide, the psychiatrist must take prompt action to ensure necessary intervention.

11-6 Disaster Assistance

Psychiatrists should strive to develop and standardize knowledge and skills in disaster psychiatry and contribute to medical care in disaster-affected areas.

12. Duty to Laws and Institutions

Psychiatrists Must Comply With All Applicable Laws and Contribute to the Improvement of the Legal Framework and Relevant Institutions.

12-1 Legal Systems Related to Mental Health and Welfare

Psychiatrists should be well-versed in the laws and systems governing medical care and mental health welfare and contribute to society through their application. They should take proactive steps to help individuals with mental illness benefit from these legal frameworks.

12-1-1 Act on Mental Health and Welfare Law

Psychiatrists should work to enhance the welfare of individuals with mental illness and improve national mental health in accordance with the Act on Mental Health and Welfare. They should also support the activities of the Psychiatric Review Board, recognizing its public significance.

12-1-2 Designated Mental Health Physicians

Psychiatrists appointed as Designated Mental Health Physicians must fulfill their duties properly and conscientiously, upholding their professional responsibility to protect the human rights of individuals with mental disorders. Those in this role should also provide appropriate supervision to other psychiatrists within their professional environment.

Reference Data

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Leg Exclusion:

(3-1, 4-1) The term *preference* refers to an individual's subjective inclination or aversion toward a particular matter and is commonly used in the field of disability welfare. It serves as a criterion for evaluation when an individual makes a decision.

(4-2) In these Bylaws, a *proxy* refers to an individual authorized to make decisions on behalf of the principal concerning informed consent. This differs from the definition of a proxy under the Civil Code. When a proxy is appointed by the principal, the principal's wishes must be respected.

(7-1) For the purpose of these Bylaws, the *other party to a medical treatment* refers to the individual receiving treatment as well as their family members or accompanying persons.

(10-1) Case reporting may not always be explicitly governed by laws, regulations, or ethical guidelines related to research. Even in such cases, psychiatrists must take appropriate measures to protect privacy and ensure that individuals remain unidentifiable. In principle, consent must be obtained from the authorized individual after providing a sufficient explanation and ensuring their understanding.

(10-2) In research, an *opt-out procedure* refers to a method in which a research organization, when using existing information without obtaining individual consent, provides advance notice to the individual regarding the purpose and methods of the research and the intended use of the information. This notification must be readily accessible to the individual, allowing them the opportunity to decline participation. Such research must also comply with the principles outlined in Article 76 of the Personal Information Protection Law.

(11-3) The term *stakeholder* refers to interested parties. In context of these Bylaws, it encompasses government and administrative agencies, NGOs, NPOs, for-profit companies, and other organizations that either conduct awareness-raising initiatives or provide financial support for such activities.

(12-1-1) Act on *Mental Health and Welfare* is shortened reference to the *Act on Mental Health and Welfare of Persons with Mental Disorders or Disabilities*.

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