



INTERNATIONAL SOCIETY OF HEALTHCARE ETHICS AND COMPLIANCE PROFESSIONALS

Beyond Compliance Programs

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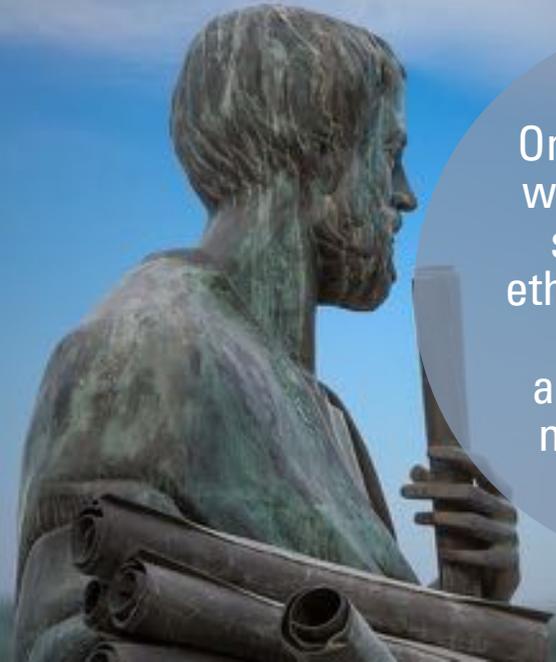
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WHY THIS SESSION?

- Increasingly complex business models and transactions, driven by sophisticated market access needs and big data
- The impact of the pandemic in creating unprecedented scenarios
- Artificial Intelligence plays a growing role in healthcare
- Policies and procedures run out of relevance very quickly and cannot cope with the pace
- What is the impact on our profession and its competency expectations?

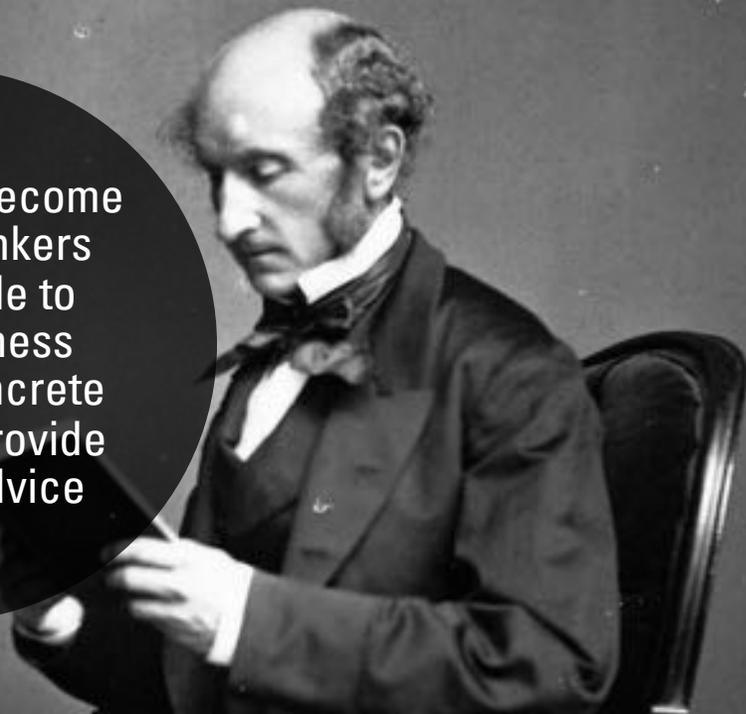


Once rules run out,
we need to rely on
sound business
ethics judgment and
knowledge,
adaptable to ever
newer scenarios



We need to become
familiar with
established applied
ethics theories and
not just relying on
common sense,
personal values and
guts

We need to become
creative thinkers
that are able to
apply business
ethics to concrete
cases and provide
practical advice



Achieve
transformation from
compliance
technicians to
business ethics
professionals



LEARNINGS FROM MORAL PHILOSOPHY

Let's explore some of the key learnings from ethical thinking in Western philosophy to see how they can help business decision-making!

We will look at

- Virtue Ethics
- Deontology
- Utilitarianism

This is not a philosophy course. We will look at these learnings in a pragmatic and succinct way and therefore necessarily and regrettably compromising on the depth and accuracy of some of the concepts! Apologies in advance to philosophers and scholars!

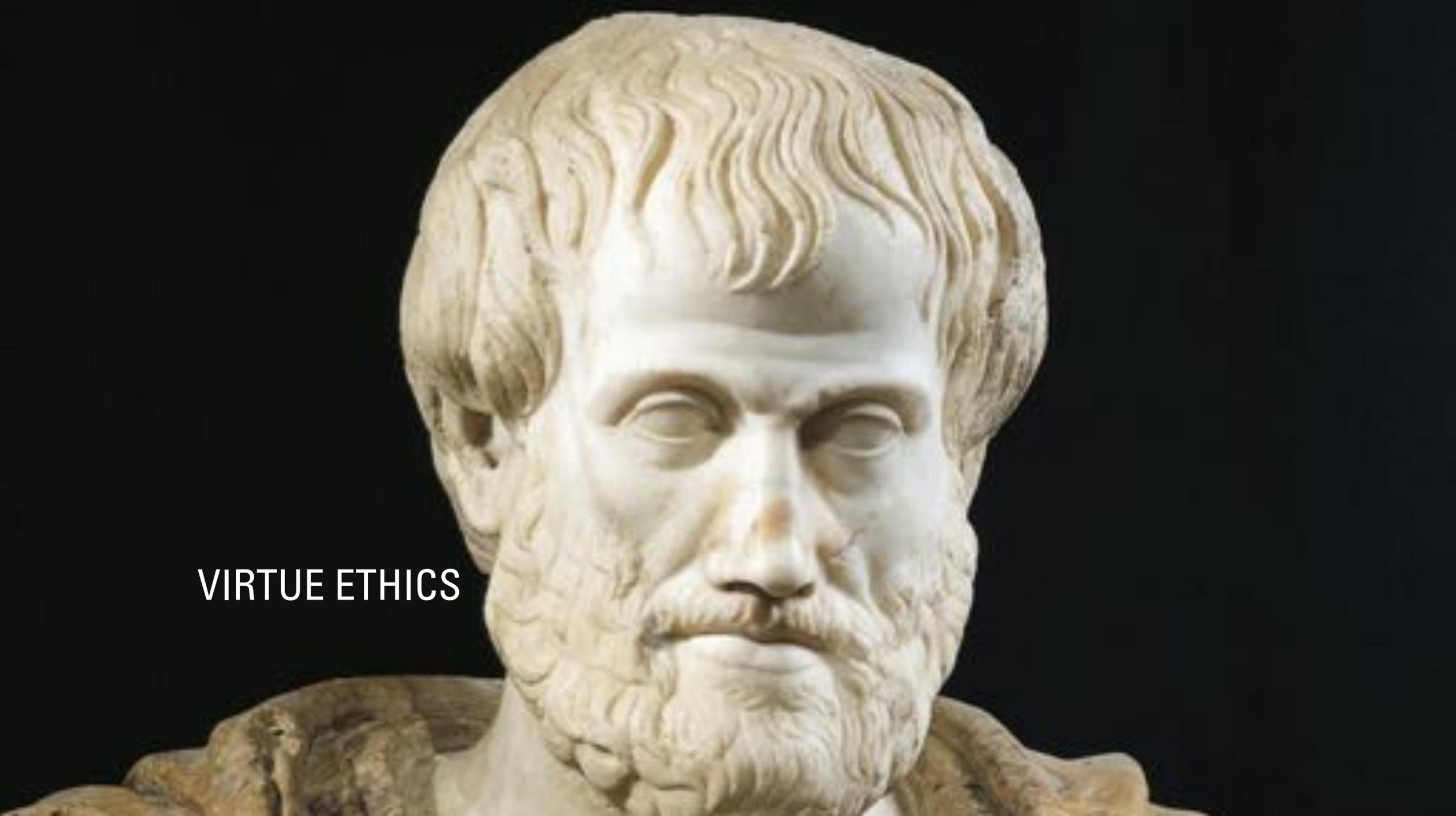
WHAT ARE ETHICAL DILEMMAS?

- Many ethical choices are straight-forward and we engage in them all the time, without even realizing
- For example, supporting a friend in difficulty, showing up at a business meeting we promised to attend...
- Ethical dilemmas occur when two or more key values appear to conflict and it is necessary to chose
- They make us reflect on our values
- It is key to raise our awareness and recognize when we are faced with an ethical dilemma

- In Book I of Plato's Republic, Cephalus defines 'justice' as speaking the truth and paying one's debts.
- Socrates responds that it would be wrong to repay certain debts - for example, to return a borrowed weapon to a friend who is not in his right mind.
- What are the conflicting values?



VIRTUE ETHICS



PURPOSE / END

- For Aristotle, all things and beings have a purpose, an end. Teleological approach.
- Very helpful concept that is often used in moral reasoning.
- For example, the purpose of a knife is to cut well.
- Starting from its purpose, we can then identify
 - what it takes for a knife to fulfil that purpose and therefore
 - be a “good” knife.

EXERCISE: THE PURPOSE

- What is (1) the “purpose” of the following entities/activities and – based on that - what does it take (2) to be a good one?
 - A Patient Organization
 - Market Research
 - A Customs Agent



GOLDEN MEAN

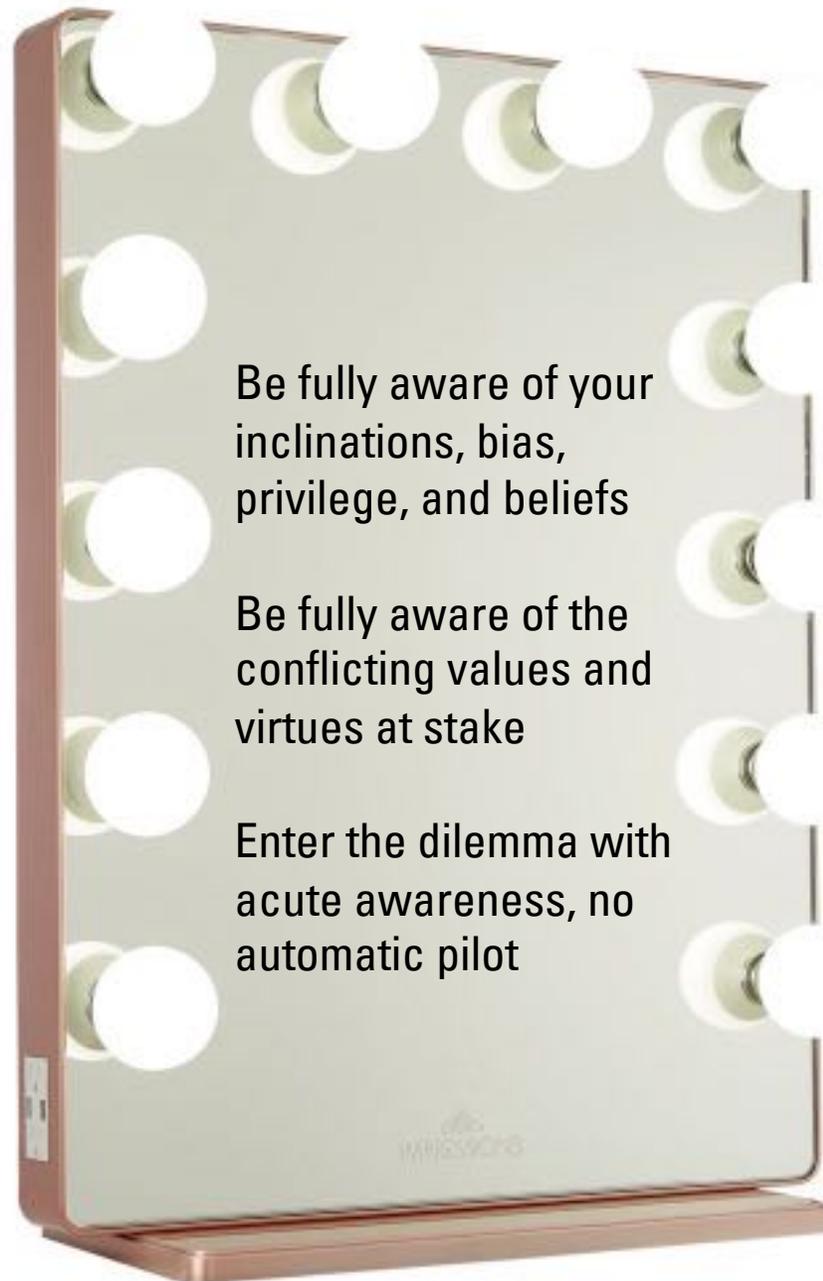
- Exercising the virtues is a choice in our hands and requires awareness of what values and virtues are at stake
- Exercising the virtues requires that you think through the real nature of each of those virtues and make an effort to know yourself and your inclinations
- An example. What does it mean to be courageous for you? Do you tend to the vice of rashness or the vice of cowardice?
- Depending on where you are on the spectrum, you need to aim at the golden mean where the virtue of courage lies, to avoid the bias of your own inclinations
- Virtues tend to be at the middle of two extremes (the Golden Mean)

RASHNESS

COURAGE

COWARDICE





Be fully aware of your
inclinations, bias,
privilege, and beliefs

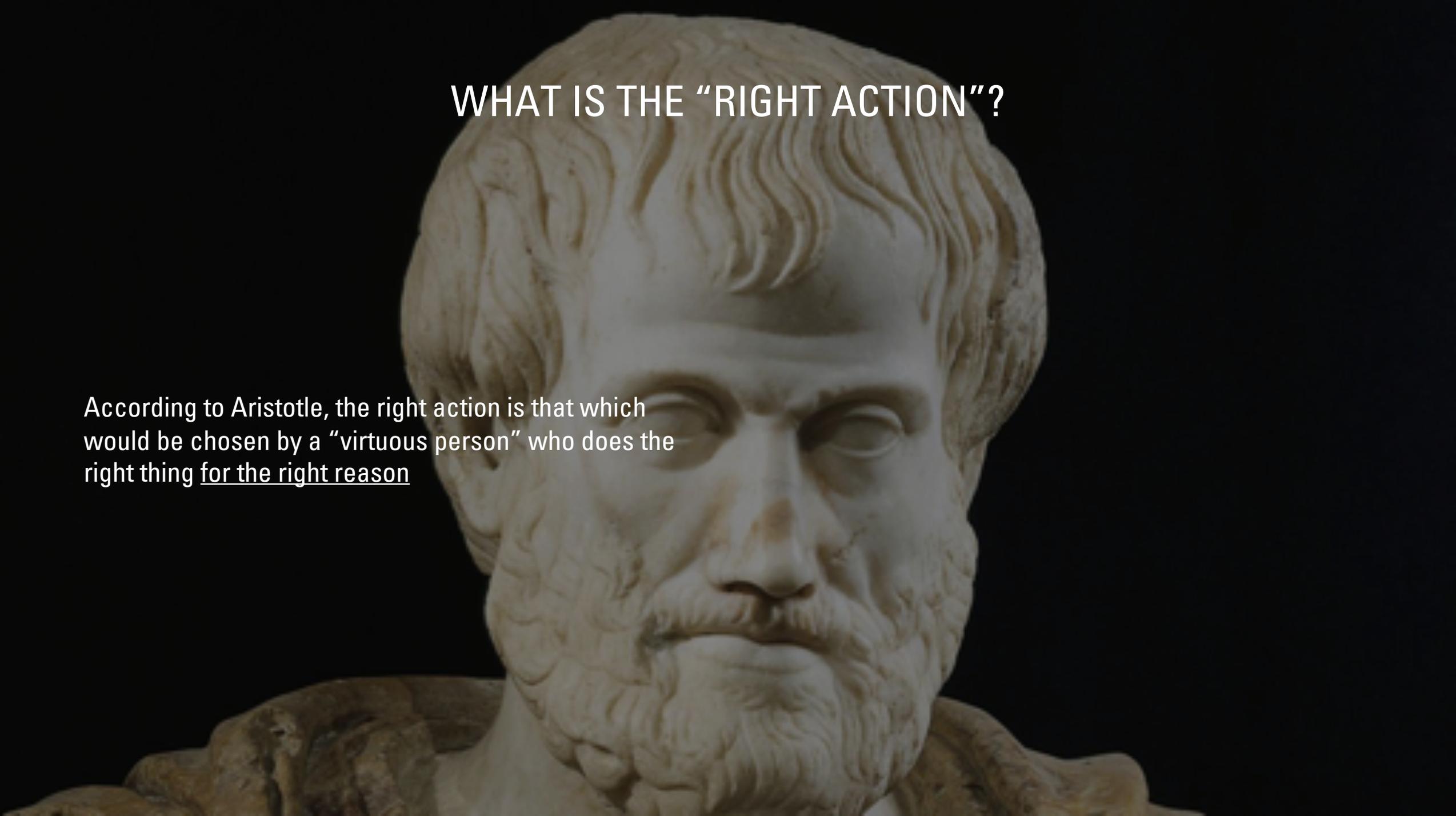
Be fully aware of the
conflicting values and
virtues at stake

Enter the dilemma with
acute awareness, no
automatic pilot

WHISKEY

WHAT IS THE “RIGHT ACTION”?

According to Aristotle, the right action is that which would be chosen by a “virtuous person” who does the right thing for the right reason



ARISTOTLE'S "RIGHT REASON"

- Performing an action which is right in itself makes only the action right but not its agent
- But it is only if the action was performed for the right reason that that person is acting rightly
- In other words, one can perform the right action but if it is not because of the right reason, then that person would not be acting morally

- The "right reason" is connected to the concept of "purpose" and "golden mean"
 - you need to identify in advance the end/purpose of the entities/activities you are dealing with: is your "reason" compatible with their purpose? If not, then you are not acting for the right reason
 - you need to know in advance if you are acting out of inclination or virtue: are you being as objective as possible? Are you finding ways to justify yourself and your decision? If you are trying to justify yourself, then you are not acting for the right reason

THE RIGHT REASON: EXERCISE

Your GM is trying to convince the Grants & Donations Committee to approve a sizeable donation to a foundation that provides books to schoolchildren in need.

“The donation would benefit the children of a school next to our plant” she mentions in her presentation, “but most importantly would indirectly put a great deal of pressure on the mayor to accept our plant expansion plan. We will not write this anywhere”.

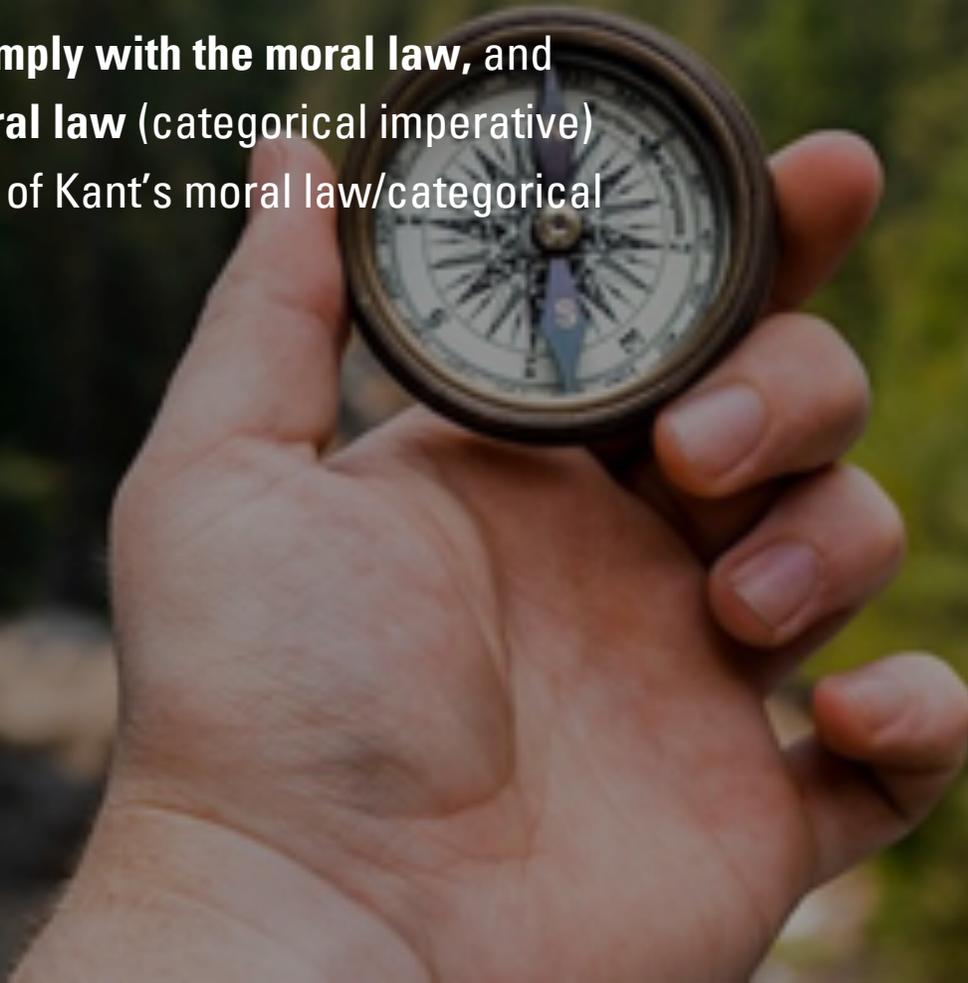
- Is she acting based on “the right reason”, according to virtue ethics?

A close-up portrait of Immanuel Kant, a German philosopher. He is shown from the chest up, wearing a dark coat and a white cravat. His hair is powdered and styled in a wig. He has a serious expression and is looking slightly to the right of the viewer.

DEONTOLOGY

THE MORAL LAW?

- For Kant (1724-1804), the right action is the action which is performed
 - out of **conscious duty** to comply with the moral law, and
 - **in compliance** with the moral law (categorical imperative)
- There are a number of formulae of Kant's moral law/categorical imperative. Let's review two:
 - The Universal Law Formula
 - The Humanity Formula



A photograph of a space station module in orbit above the Earth. The station's structure, including solar panels and various instruments, is visible against the dark background of space. The Earth's surface below shows blue oceans, white clouds, and brownish-green landmasses. The text is overlaid in the center of the image.

Kant's Universal Law Formula:
"Act only in accordance with that maxim through
which you can at the same time will that it becomes
a universal law without contradiction"

THE UNIVERSAL LAW FORMULA (1)

1. Formulate an hypothetical rule that allows the action and reasons you are considering
2. Universalize the resulting rule: everyone is allowed to act as you propose
3. Use Aristotle's "purpose/end" approach to understand what is the nature of the stakeholder/action and what it takes to be "a good one"
4. Step out of your shoes: is this rule even conceivable in a hypothetical world governed by it?
5. Would contradictions arise/would it be self-defeating?
6. Would **you** rationally want to act on this rule in such a hypothetical world? Would you even be able to do so?
7. Unless we make an exception for ourselves
8. But who are we to deserve an exception?

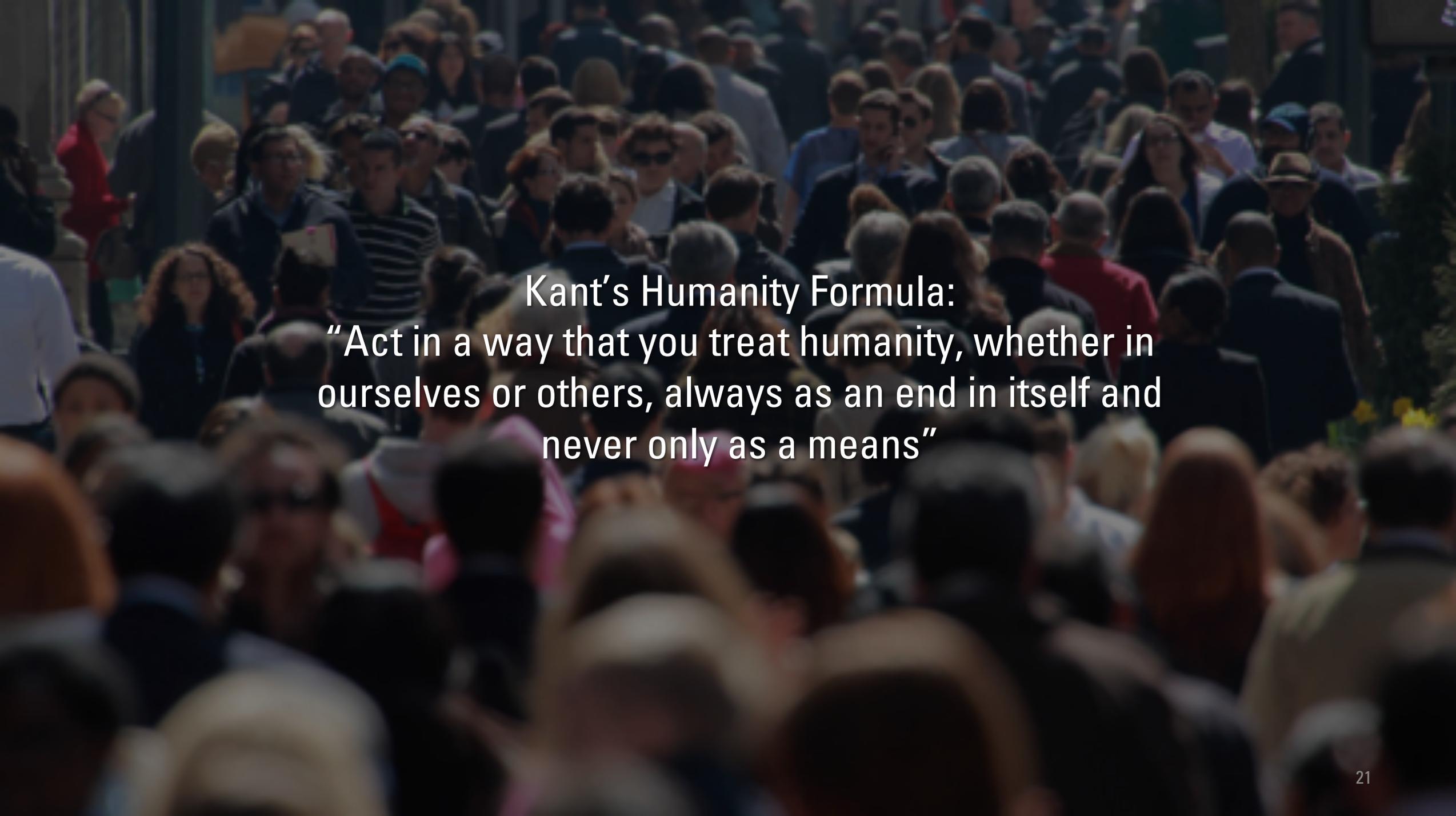
EXERCISES: THE UNIVERSAL LAW FORMULA

- The sample of respondents for this key market research project has been finalized using a solid statistical methodology. However, your manager asks you to ensure that the top 30 most loyal customers are included in the sample. “It’s good to keep them engaged”, she says.
- Would this action be moral if you applied the Universal Law Formula

EXERCISES: THE UNIVERSAL LAW FORMULA

“Sure, the promotional materials must be fair and balanced but if we tell just the real story about the product, we won’t be selling as much. A “little” embellishment now and then won’t hurt!”

- Would this action be moral if you applied the Universal Law Formula

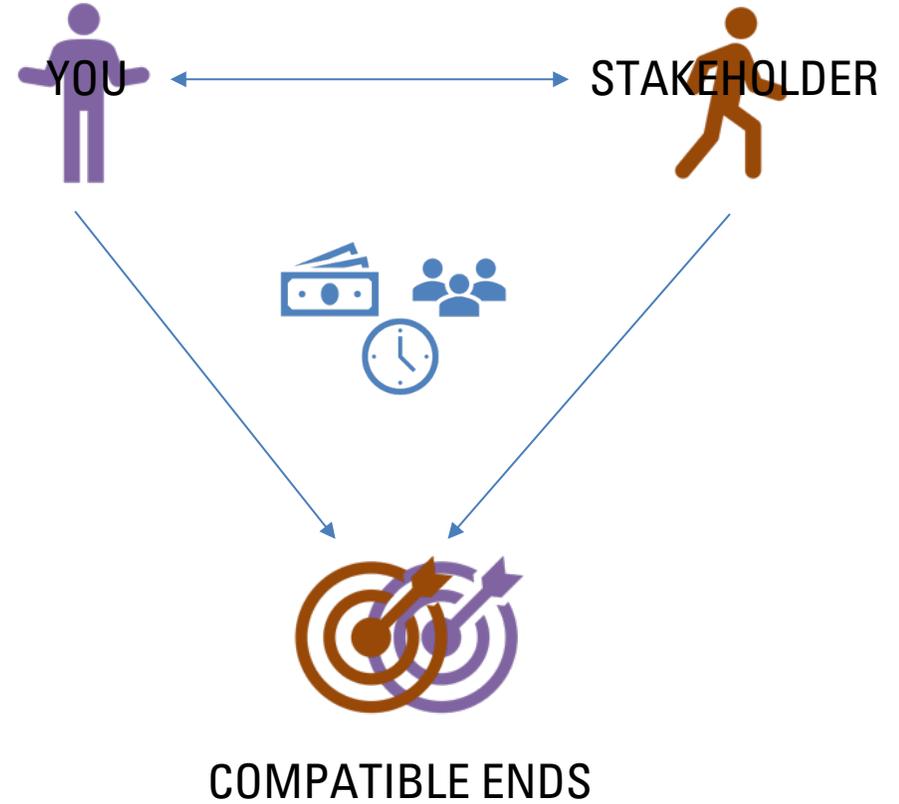
A large, dense crowd of people walking in a city street, viewed from a high angle. The crowd is diverse in age and appearance, and the overall tone is slightly desaturated. The text is overlaid in the center of the image.

Kant's Humanity Formula:
"Act in a way that you treat humanity, whether in
ourselves or others, always as an end in itself and
never only as a means"

THE HUMANITY FORMULA

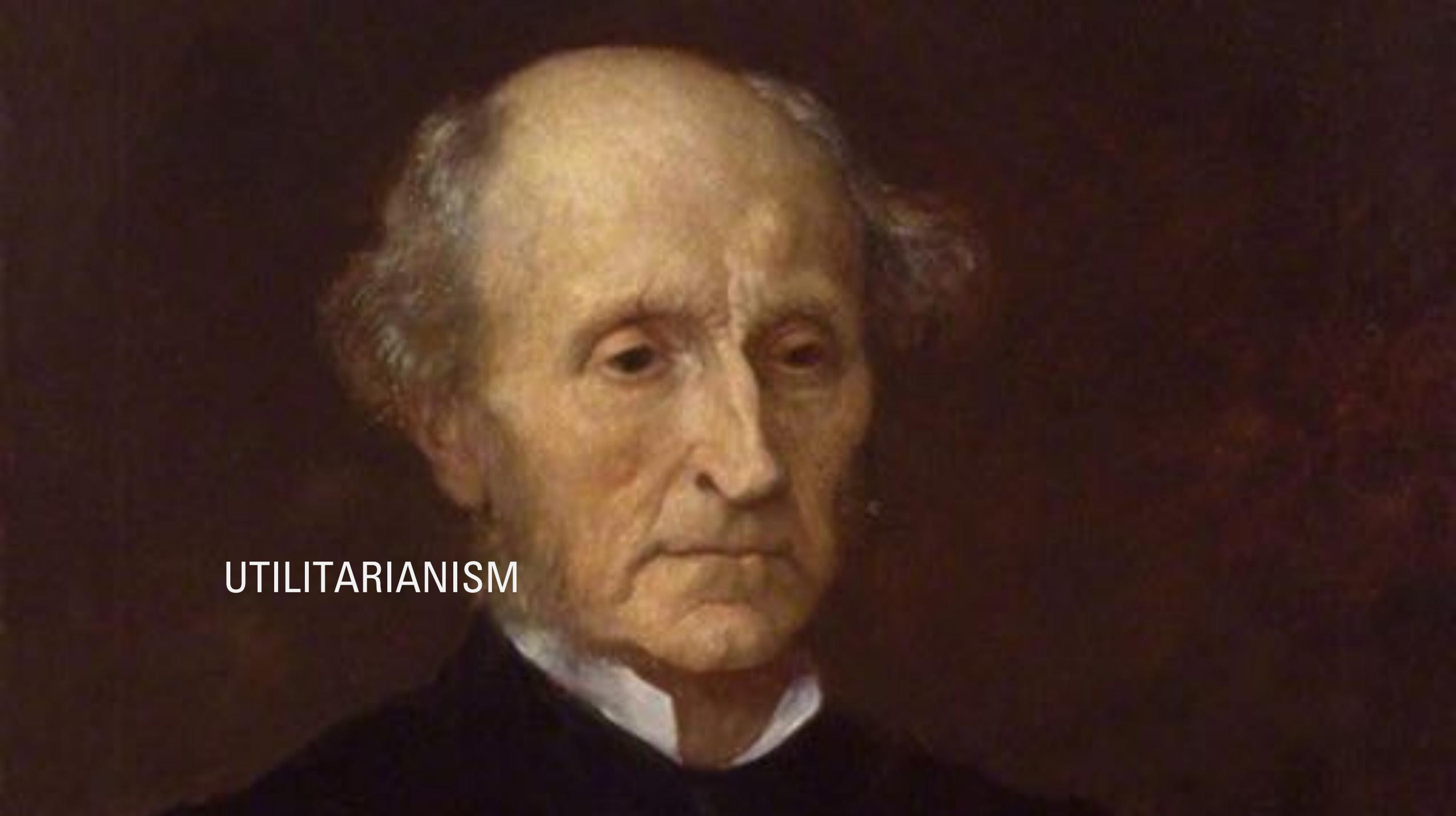
- Understand what is the “end/purpose” of the person or organization you plan to interact with (stakeholders): their purpose, aspirations, objectives, rights, duties
- Is your proposed action compatible with their end or your objective would imply that you are only using them without respecting their “end” (e.g. manipulation, corruption or coercion)?
- If your proposed action is genuinely compatible with *their end* but they will also serve as a means to *your end* at the same time, this is acceptable
- Essential in the management of our stakeholders such as HCPs, patient organizations, patients, media professionals etc.

ARE ENDS COMPATIBLE?



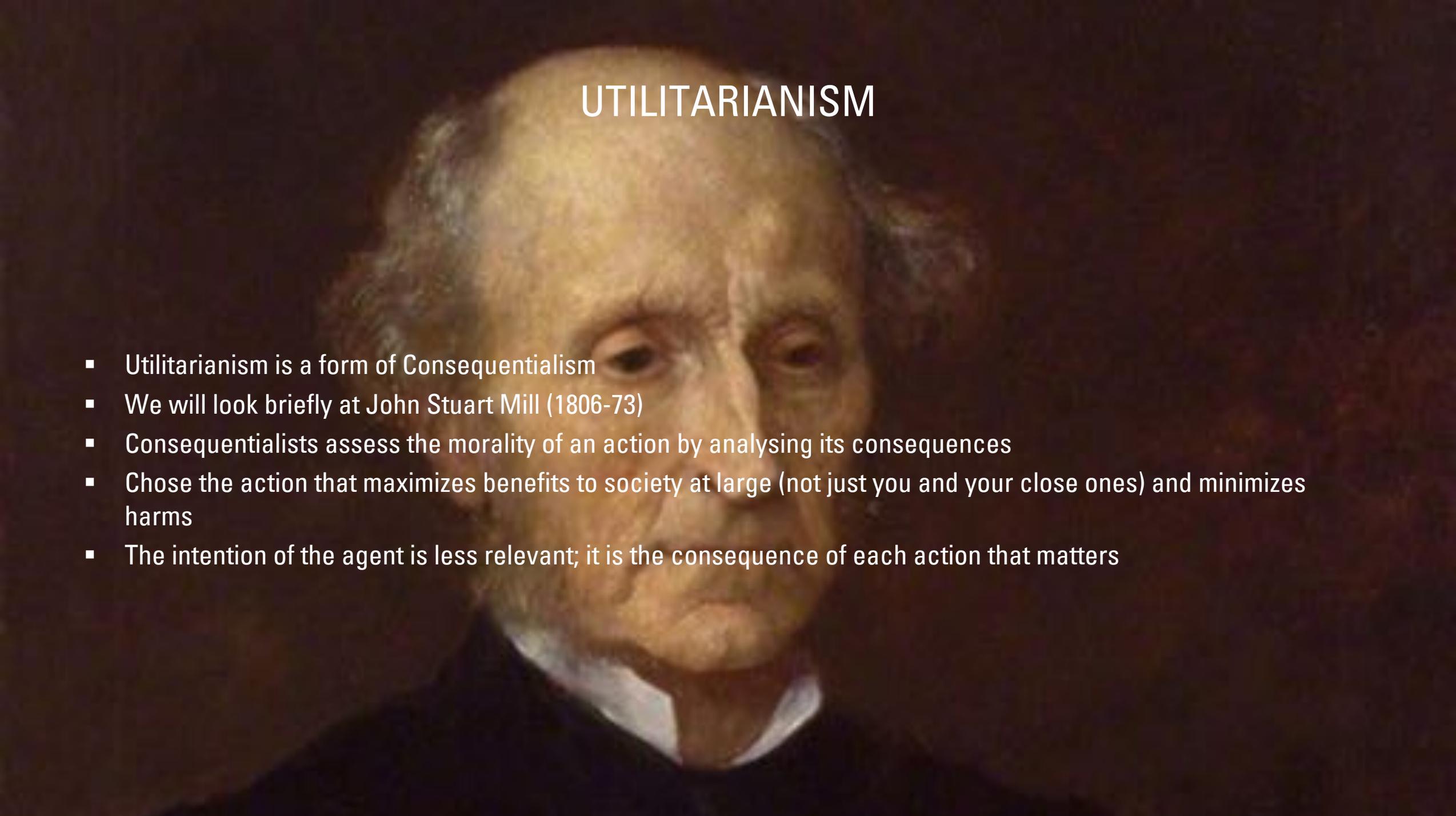
EXERCISES: THE HUMANITY FORMULA

- The diabetes congress will take place in Bucharest next year and the Communications function plans to invite a journalist from a major medical newspaper.
- They are ready to pay all her expenses, including 3 nights in a luxurious 5* hotel and a business class ticket.
- *"There are no strict formal hospitality rules for journalists and we do not have a policy"*, says the Communications VP.
- You realize between the lines that the objective is for the journalist to feel grateful and somehow obliged to write a positive article about the company's new combination therapy.
 - Would this be moral? Apply the Humanity Formula

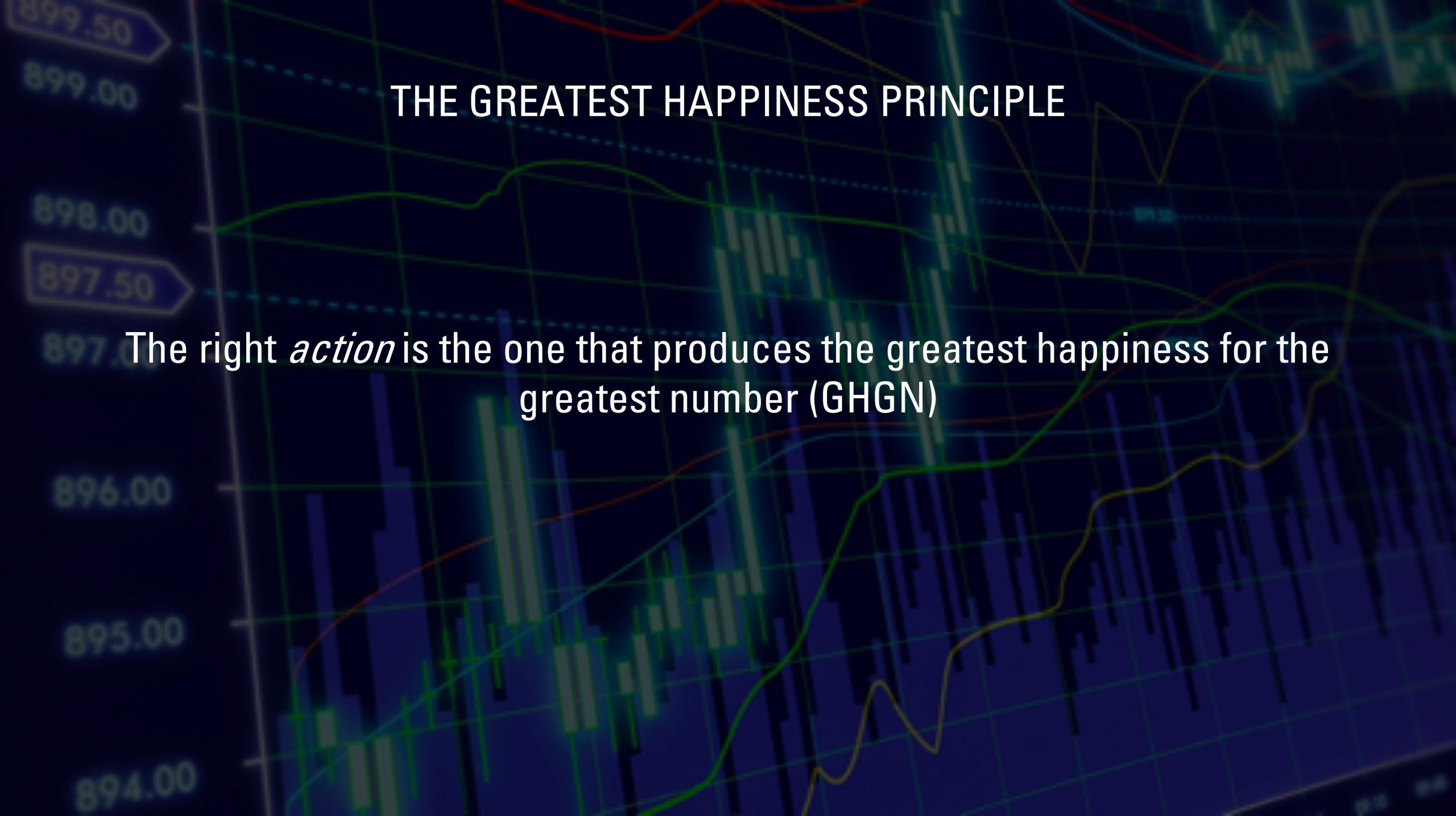
A portrait of James Mill, an elderly man with thinning hair, wearing a dark coat and a white cravat. The background is dark and textured.

UTILITARIANISM

UTILITARIANISM

A portrait of John Stuart Mill, an elderly man with white hair, wearing a dark coat and a white cravat. The portrait is centered in the background of the slide.

- Utilitarianism is a form of Consequentialism
- We will look briefly at John Stuart Mill (1806-73)
- Consequentialists assess the morality of an action by analysing its consequences
- Chose the action that maximizes benefits to society at large (not just you and your close ones) and minimizes harms
- The intention of the agent is less relevant; it is the consequence of each action that matters

A background image of a financial candlestick chart with multiple moving average lines in various colors (green, blue, orange, red) overlaid on a dark blue grid. The y-axis on the left shows price levels from 894.00 to 899.50. The chart shows a general upward trend with some volatility.

THE GREATEST HAPPINESS PRINCIPLE

The right *action* is the one that produces the greatest happiness for the greatest number (GHGN)

IDENTIFY THE POTENTIAL CONSEQUENCES

- The GHGN principle: what solution would cause the most net benefits and the least net harm for our society?
 - What are long-term consequences vs. short-term consequences
 - What are the symbolic consequences of that business decision (e.g., senior employee accepting gifts that are prohibited by company policy, senior employee pushing for “dirty” sales)?
 - What are the reputational consequences?
 - What are the legal consequences?
 - What are the financial consequences?
 - What are the consequences on society?
 - What are the consequences on the environment?
- Consider consequences broadly not just for you and those close to you – think “society”
- How would the stakeholders react?
- Essential to evaluate the impact of our projects



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THANK YOU

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