

Publication Ethics: Publishing without Explicit Consent of the Patient or Institutional Authorities. Ignorance or Misconduct ?

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With increasing emphasis being placed on scientific publications by the universities and Institutions, the authors are under great duress to publish or loose recognition and research funding. As publication requires intensive intellectual inputs, it is not possible to convert ones office into a paper mill, and churn out papers after papers. In this compulsion to publish more, the ethics are taking back seat as more and more authors are cutting corners. This is evident from increasing cases of violation of publication ethics and rising misconducts. Somewhere along the line, the trust that existed between the scientists and the editors is being lost.

We had been facing the acts of misconducts like every other editor, so far these had been limited to duplicate submission and duplicate publications only, something that is common and seen often and that has led us to issue a consensus statement [1]. There are explicit definitions and guidelines

for both authors and the editors, the do's and don'ts in such situation are clearly defined. Hence, tackling these situations was easy, however, we recently came across a case that is clear cut scientific misconduct, may even be fraud, but appears to be committed out of ignorance of concerned first time authors. Who probably did not bother to look at the established ethical practice in the hour of their need for a publication and committed a misdemeanour, transgressing the lines.

An article entitled "True hermaphrodite a case report" was submitted to the World journal of Medical and Surgical Case reports on February 20, 2015 from Bangalore, India. The article underwent a rigorous review process and after its review by Dr. Nathalie Josso, Institut National de la Sante et de la Recherche Medicale (INSERM) Université Paris XI Clamart, France, it was pointed out that "there is complete absence of any histological or hormonal data or cytogenetic details that would allow justification of the diagnosis." He also pointed out inconsistency within the article that raised possibility of ethical/scientific misconduct. It was clear that the authors probably have no knowledge about the case they were writing about. After the review the comments were

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sent to the authors and authors were asked for modification/explanations and resubmission of the article. There was no reply, numerous reminders were sent and yet they failed to elicit any response. This further raised the suspicion of something being wrong. It was decided to investigate.

On investigation, it was noted that the case being reported upon is from Dhaka, Bangladesh, where the second author was affiliated to. It raised the suspicion that probably at least one of the authors was not the primary treating physician/surgeon of the case being reported on and had no access to primary data or hospital records, no consent of the patient or the institute ethics committee approval to report this case. With this suspicion the case was investigated by the editorial staff. Extensive search of medical literature databases and author databases, failed to identify the two authors as being authors of any other publication.

Further search showed that the first author has probably done MBBS from Bangalore and is probably working in another college in Bangalore as Research Assistant. Similarly second author has done graduation from Dhaka, Bangladesh and is probably undergoing first year of his residency in internal Medicine from USA. Both the authors have cleared USMLE. It is not clear as to how and at what point these two authors came together and wrote this article? It was also not clear as to why they reported on this case which they probably had not seen or treated, and hence had no access to primary data. The editor once again decided to contact all the involved parties including the four institute where the two authors belonged to and are presently working, the copy of the email sent to the institutions were copied to the authors as well.

Immediately a response was received from the first author asking to withdraw the

manuscript without explaining the conduct, a reply was sent asking to explain the conduct to which no response was received. However, a similar email was received from second author again requesting to withdraw the manuscript that was copied to his present and past institution, yet again not explaining their behaviour or presumed misconduct. No response has yet been received from the two institutes where these two authors graduated, nor from the institutes where they are working currently. However, looking at the abundant circumstantial evidence there appears to be a clear case of scientific and ethical violation in trying to publish a case without the explicit consent of the patient or the institution where these two were just trainees and were not authorized to communicate the case findings to anyone as per the law, this being privileged communication.

We tried to find similar instances in the literature, though there are abundant examples of publishing without patients consent or approval of institutional ethics committee, there is little on 'data theft'. One such case on the COPE website was about a visitor to a laboratory in France for 5 months publishing the data from that laboratory as his own [2]. The status of the case is still ongoing as the alleged offender has not responded. In another case of use of data without authorization that led to author dispute, it had been decided that "editor should not get involved in an author dispute" [3]. There are other cases as well like publication of private data [4], publishing information on public record without consent [5], stolen data [6], and absence of patients' consent [7]. However, we failed to identify any similar case reported by any editor earlier.

Committee on Publication Ethics has come out with a discussion documents on patients consent for publication of medical case reports [8], which suggests that editors

should make a blank form available at their websites and ask the authors to endorse that they have obtained the consent for publication. At NPPL this too is a universal policy and all articles published in the NPPL journals including in the World Journal of Medical and Surgical Case Reports include an ethical statement at the end of the article. It is assumed that authors would have taken the consent and this part of ethics is completely based on the trust between the authors and the editors.

The second misconduct that is suspected here is of stolen data or publication of data one is not authorized to publish. Stolen data is mostly discussed as part of authorship dispute where the editors usually refrain from being a part. Some of these articles if published are withdrawn if sufficient evidence is produced, however, in the present case there were no complaints from the institute or the keepers of the data nor from the treating physicians. Suspicion arose from the review of the article and investigation revealed interns from two countries coming together to report a case from one of their institute.

Mazar and Ariely stated that "dishonest actions penetrate the most mundane of situations and are committed by ordinary people that have moral standards and think highly of themselves in terms of being honest and exemplar members of society [9]." They further stated that "people are tempted to give in to selfish motives at the expense of crossing the boundaries of what they usually consider morally acceptable." In the present case we assume that this arose out of ignorance of publication and research ethics and may not have been deliberate.

As per the definition of research misconducts adopted by US institutions, this is perhaps best defined as misuse of confidential information, or unethical authorship other than plagiarism [10], however in absence of clear guidelines and

definitions its difficult to assign a name to this kind of behaviour and ethical misconduct. It is clear that with increasing publication process and increasing author misconducts the editors job is becoming difficult by day as they have to keep their eyes open and have a high index of suspicion if anything out of ordinary happens even if it is as simple as author not responding to an email.

Authors' Contribution

MRC: Concept and design, handling editor-in-chief of the manuscript, approval of final manuscript for publication.

MS: Research, concept and design, data collection, literature search and preparation of the draft manuscript.

MP: concept and design, editing of the manuscript, research and data collection, analysis and interpretation of data.

Conflict of Interests

The authors declare that they are Editor-in-Chief of the NPPL journals as mentioned in the affiliations. There is no conflict of interest, financial or otherwise.

References:

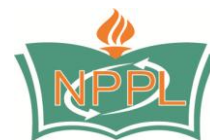
1. Shukla M, Roychowdhury M, Singh S, Caygill C, Lillard, Jr. JW, Singh S, Tiwari SK, Verma V, Pandey M. Menace of Simultaneous Duplicate Submissions: A Consensus Statement. World Journal of Pathology 2017, 6:3 (Sunday, January 29, 2017) [[Fulltext](#)]
2. Publication of data without permission. Case Number: 12-22. [<http://publicationethics.org/case/publication-data-without-permission>][Last accessed on February 12, 2017]
3. Alleged unauthorized use of data and possible dual publication. Case Number: 09-20. <http://publicationethics.org/case/alleged-unauthorized-use-data-and-possible-dual-publication> [Last accessed February 11, 2017]
4. Publication of private data. Case Number: 11-26. <http://publicationethics.org/case/publication-private-data>

5. Patient consent and non-consent. CASE NUMBER: 97-05. <http://publicationethics.org/case/patient-consent-and-non-consent>
6. Stolen data and omission from the authorship list. CASE NUMBER: 01-37. <http://publicationethics.org/case/stolen-data-and-omission-authorship-list>.
7. Patient consent. CASE NUMBER: 06-01. <http://publicationethics.org/case/patient-consent>
8. COPE guidance on best practice for consent for publishing medical case reports. <http://publicationethics.org/files/u7141/Discussio>
[n document on Best Practice for Consent for Publishing Medical Case Reports%20%283%29.pdf](http://publicationethics.org/files/u7141/Discussion-document-on-Best-Practice-for-Consent-for-Publishing-Medical-Case-Reports%20%283%29.pdf)
9. Mazar N, Ariely D. Dishonesty in scientific research. J Clin Invest. 2015 Nov 2;125(11):3993-6. doi: 10.1172/JCI84722. Epub 2015 Nov 2. [PubMed] [PMC]
10. Resnik DB, Neal T, Raymond A, Kissling GE. Research misconduct definitions adopted by U.S. research institutions. Account Res. 2015;22(1):14-21. doi: 10.1080/08989621.2014.891943. [PubMed] [PMC]

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