

Ethics: Application to the Clinical, Academic and Corporate Worlds

Barry A. Freeman, Ph.D.



•If you are having technical difficulties viewing or hearing this session, please stay logged on and contact Audiology Online at 1-800-753-2160, ext. 3.



- This session is worth 1/1 CEU.
- To earn your credit, you must stay logged on for the entire session.
- You must successfully complete a short quiz on today's material.



Ethics: Application to the Clinical, Academic and Corporate Worlds

Barry A. Freeman, Ph.D.



For many years audiology has been talking about the concept of **professionalism**



What is a profession?

- **Exclusivity** where entrance requires academic doctoral degree and the legal right to practice is defined by a license
- **Code of conduct**
- **Autonomy by virtue** of specialized knowledge
- **Accountability**
- **High ethical standards**

- From K. Loh (2000) "Professionalism, where are you?" ENT Journal



As we live and present ourselves as **professionals**, we will be **viewed by others in that manner**



What is Ethics?

- The literature of “moral philosophy”
- The development of human character
- A problem solving tool

Code of Ethics

Specifies professional standards that protect the integrity of the profession.

Based on Concepts of Nonmaleficence and Beneficence

- Nonmaleficence: Do no harm
- Beneficence: An act of kindness, charity, and benefit



Nonmaleficence and Beneficence

- Ensures that the public is protected from unscrupulous, incompetent and unethical practitioners
- Offers assurance that the regulated individual is competent to provide the service(s)
- Provides a disciplinary mechanism

IN OTHER WORDS, IT'S ALL ABOUT PREVENTING HARM AND ADVANCING THE GOOD OF THE PERSONS WE SERVE

When Confronted with an Ethical Dilemma...

- Is this in line with my objectives or those of the practice?
- Will the decision result in the right thing being done for the patient/customer?



Historically: A Focus on Patient Perception

“The greatest potential harm [for audiologists] is the loss of faith of our entire citizenry in a profession that may be perceived as working primarily not for the patient, but for its own personal gain”

T. Newell Decker, Chair AAA Ethical Practice Board, 1999

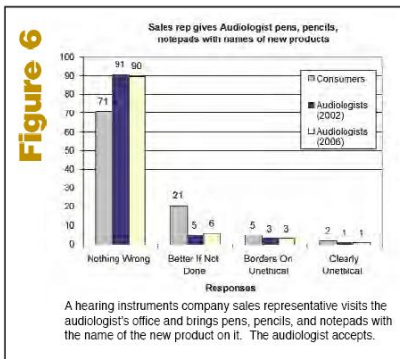
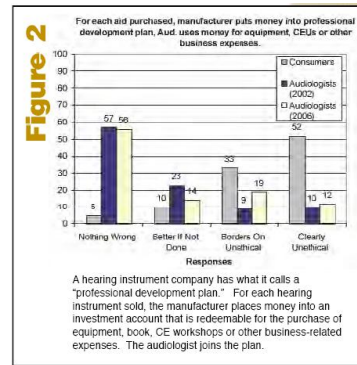


Is Public Perception the Key Ethical Test?

The following studies on Ethical Perceptions in Audiology are from

Hawkins, Hamill, Freeman, Van Vliet Audiology Today (2002)

Hawkins, Hamill, Kakula (Audiology Today, 2006)



AAA COE (2011)

- PRINCIPLE 8:** Members shall uphold the dignity of the profession and freely accept the Academy's self-imposed standards.
 - Rule 8a:** Individuals shall not violate these Principles and Rules, nor attempt to circumvent them.
 - Rule 8b:** Individuals shall not engage in dishonesty or illegal conduct that adversely reflects on the profession.

AAA Ethical Guidelines (2011)

- Rationale: “Published studies have revealed influences on human behavior resulting from the exchange of gifts (“gift effect)”



AAA Guidelines

- General use business items such as laptops, otoscopes, and general continuing education would be considered gifts and should not be accepted.
- Uniquely compatible items provided for patient care and education, such as proprietary software, demonstration units, cables, and software needed strictly to dispense a specific product would not be considered a “gift.”
- Meals and travel deemed as rewards are also considered gifts; however, provisions for necessary and modest meals and travel associated with legitimate and necessary product educational/training experiences are not considered gifts, thus are not prohibited.



AAA Guidelines (cont)

- *Acceptance of gifts of any value by a member of the American Academy of Audiology from any company that manufactures or supplies products that he or she dispenses, sells, or recommends, may compromise, or give the appearance of compromising, the audiologist’s ability to make ethical decisions, and should be avoided.*
- *A provision for modest and necessary meals and travel associated with legitimate product educational/training experiences are permitted*
 - *Attendees should not accept anything that is beyond modest travel expenses, meals, and lodging. Members are encouraged to pay for their own education-related expenses.*



Federal and State Anti-Kickback Statutes

- If an audiologist accepts incentives from a hearing aid manufacturer based on a reward system for purchasing the manufacturer’s products and then prescribes hearing aids made by that manufacturer that are reimbursable under a federal health care program [e.g., FEHBP, Tri-Care, Medicaid, Medicare], this may violate the AKS.



Renew ONLINE before December 31, 2011, and receive:

- \$15 off registration for a learning lab at AudiologyNOW! 2012
- A discounted rate on an eAudiology package that includes unlimited on-demand Web seminars
- A chance to win a FREE registration to AudiologyNOW! 2012



The Green Book
Ethics in Audiology: Guidelines for Ethical Conduct in Clinical,
Educational and Research Settings
\$75.00 for Nonmembers
\$45.00 for Members

Educators: [Learn how you can get a free desk copy of this book today!](#)



How About Your Practice?

- Free package of batteries
- Free cleaning and check-up

Does this compromise ethics or is it just good marketing and customer service?



Remember, we are discussing *Customer Perception*

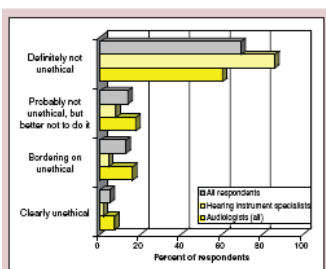


Figure 7. A practice owner offers a hearing professional a job in which the person's compensation is based in part on the revenues he or she generates from dispensing hearing aids. If the employee agrees to work on those terms, is that...?

Hearing Journal (March 2009)
D. Kirkwood



Principle 4 AAA COE

- Members shall provide only services and products that are in the best interest of those served.
- Rule 4a:** Individuals shall not exploit persons in the delivery of professional services.
- Rule 4b:** Individuals shall not charge for services not rendered.
- Rule 4c:** Individuals shall not participate in activities that constitute a conflict of professional interest.



Commissions

- It is recommended that, when an employee is offered compensation which includes only hearing aid commissions, the audiologist renegotiate a compensation package to one which is more encompassing and which includes quality indicators and other measurable goals. Broadly structured compensation packages will help to relieve the employee of the potential influence of the quid pro quo relationship.



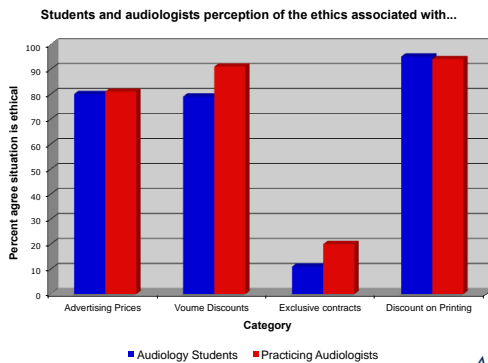
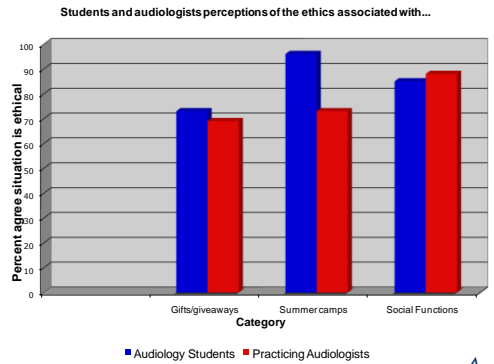
Ethics from the University Perspective

Ian Windmill, Ph.D.
Barry Freeman, Ph.D.
Paul Pessis, Au.D.
(Presented at ADA, 2009)



Student Perceptions and Ethics

- Online Survey
 - 165 students (26 universities)
 - 656 practicing audiologists



The Realities of Ethics and Importance of Perceptions

- We've examined the perceptions of practitioners, consumers, students.
- We know that what some may consider to be "unethical" is not necessarily illegal and may be good marketing and business.
- We know that consumers most often don't perceive our practices as unethical.
- Do following ethical guidelines make you a better practitioner?
 - Do gifts of any value "unequivocally influence decision-making"?
 - What kind of gift truly makes you "sell your soul"?
- As a practitioner, how do you "decide" what will compromise your ethical standards?



Is Valuing Patient Perception a Useful Concept?

- Do you decide how to practice based on how others think?
- Are you truly an unethical audiologist if you've attended a manufacturer's in-service course and then gone out for a good meal and will patients leave your practice because of it?
- In fact, no, patients appear to believe that it's a benefit to them.



So, then,

- Is perception a fair "marker" for identifying a potential ethical violation?
- How is it measured?
 - Evidence-based or subjective speculation?

Ask 2 audiologists and get multiple opinions!

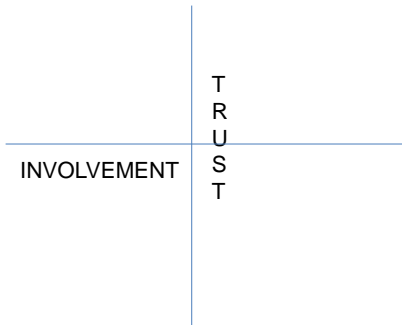
Or

Why is it that my opinions are never reflected in guidelines?

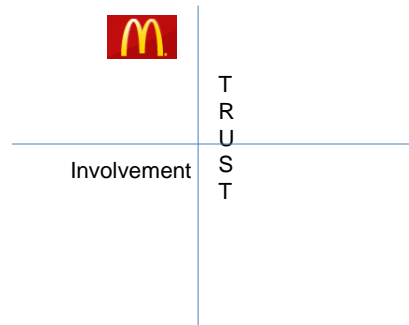
More important than Perception is Building and Establishing a Relationship of Trust with your 'Customers'



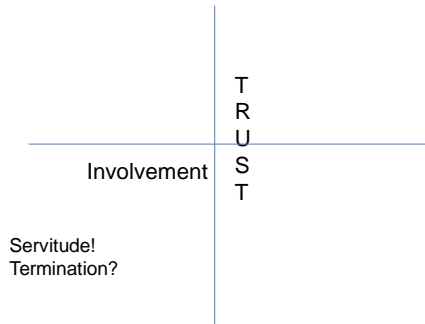
Building Relationships



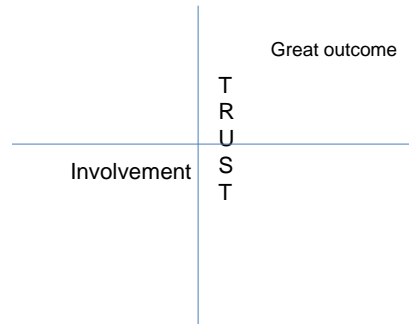
Building Relationships



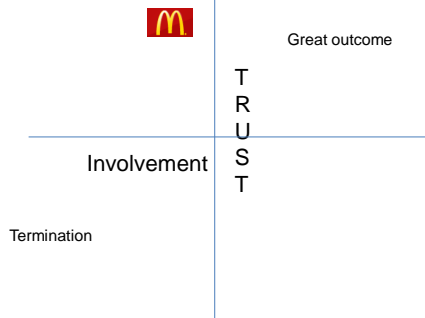
Building Relationships



Building Relationships



Building Relationships



Trust can lead to **greater involvement** or **commitment**.

Commitment can lead to **better outcomes**.

Maybe it's **less about ethical perceptions** and **more about an environment of trust**.



Key issues to be addressed

- Taking the time to earn a patient's trust
- Understand patients' needs and address them.
- Honesty and integrity



Communicating Trust

1. Take the time with patients and show them that you are interested in them.
 - a. Personal history in chart notes
2. Explain limitations of scope of practice of your practice.
3. Promote honesty and transparency.
4. If you goof up-let people know and correct it.
5. Create an environment for free flow of ideas.
6. Differentiate you and practice from commoditization
 - i. Over counter, 'big box', PSAPs



Building trust is an attitude adopted by its practitioners & the office staff—it's the office culture

- Our status in the community
- Our promotional/marketing materials and approaches to marketing
- The way the phone is answered and appointments made
- How we introduce ourselves
- Our appearance
- Our clinical facilities
- Practice and interpersonal skills
- Follow up



HIA Survey of "Delight" with Hearing Aid

- 1 **Audiologist**
- 2 Continued Connection to Provider
- 3 Verification and validation
- 4 Experimentation
- 5 Strong Recommendation
- 6 Personal Counseling
- 7 Thorough Evaluation
- 8 Professionalism
- 9 Personal Motivation
- 10 Hearing Aids Really Work!



“Culture, more than rule books, determines how an organization behaves.”

-Warren Buffet



The Building of Trust is an Ethical Activity

First Your Reputation Then Your Brand

Reputation and Brand are Based on the Answers to These Questions:

- What do you want to be known for?
- Where are you in the process now?
- What else do you need to learn/do?
- How will you know when you get there?



“A company’s reputation influences customer purchasing decisions... How good a company’s reputation is depends increasingly... on whether it is perceived to be responsible.”

President, Nokia Siemens Network, 2008

The Challenge

Values we Profess

Disconnect

Behavior we Demonstrate



Focus Should be on Standard of Care

- It is what the profession minimally owes our patients
- It is what the “reasonable, prudent” professional would deliver
- **Failure** to deliver the standard of care implies error and negligence
- To the extent you have delivered the SOC and you live in a perfectly just world, you are legally invincible!



Business Should Focus on:

PURPOSE: Why are we here?

MISSION: What do we do to fulfill our purpose?

VALUES: How do we work together to fulfill our mission and accomplish our purpose?



Summary: Ethical Considerations

- Define the foundation of your ethical decisions
 - Is this in line with my objectives or those of the practice?
 - Will the decision result in the right thing being done for the patient/customer?
- Ethical principles are not concerned with how things **do** operate, but with how they **should** operate!



Summary: Ethical Considerations

(continued)

- Understand that the most difficult decisions to make, are those in which there is a conflict between two or more principles of which you deeply believe in.
- So, determine in advance your priorities and culture and realize that a lot will depend on the situation.
 - Document and justify
 - Develop standards and benchmarks of expectations for your staff



Summary

- It's not just about perception
- It's a culture instilled in everyone in the practice
- Ethics, standards of care, branding, behaviors lead to trust
- Trust leads to practice success

