

Professional Ethics: Making the Right Decision

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Learner Outcomes

- After this session participants will be able to..
 - Explain what ethics is and what ethics is not
 - Explain various approaches to ethical decision making
 - Name key ethical values
 - Identify a framework for working through ethical dilemmas

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Ethics Defined

- “Let me give you a definition of ethics; It is good to maintain and further life it is bad to damage and destroy life.”

- Albert Schweitzer

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What Ethics is.....

- Standards of behavior that guide us in how to act
- Standards of right and wrong that prescribe what we 'ought' to do
- Continuous effort of studying our own beliefs and conduct
- Ensure that ourselves, and those we deal with, measure up to reasonable and solid standards

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What Ethics is NOT.....

- “Ethics is not for wimps. It’s not easy being a good person. That’s why it is such a lofty goal and an admirable achievement.”

- Michael Josephson

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Not ‘Feelings’

- Not a matter of knowing your own feelings
- Feelings frequently deviate from what is ethical
- Can provide important information for ethical choices
- Some ‘feel bad’ when doing wrong, others ‘feel good’ despite doing wrong
- Can cause us to feel uncomfortable even when doing the right thing

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Not 'Religion'

- If confined to religion, would then only apply to those who are religious
- Can set high standards and provide motivation for ethical behavior
- Not confined to, nor the same as, religion

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Not 'Legality'

- Laws often incorporate ethical standards, but can also often deviate from what is ethical
- Law can become ethically corrupt
- Law can often become slow to address new problems

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Not 'Culturally Accepted Norms'

- It is possible for an entire society to become corrupt
- Not as simple as doing 'whatever society says is right'
- Lack of social consensus on many ethical dilemmas
- 'When in Rome, do as the Romans do' is not an acceptable standard

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Not 'Science'

- Can provide information to guide us, but does not tell us what to do
- Provides an explanation for what humans are like, ethics provides basis for how humans should act
- Scientifically possible does not equal it being ethical

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Understanding is Key....

- What ethics is
- How are our decisions guided
- What 'rules' should we follow
- How do we evaluate our own ethical dilemmas



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Understanding is Key....

- Legal and Moral
- Illegal and Moral
- Legal and Immoral
- Illegal and Immoral

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How do we decide?

Why do we make certain ethical choices?

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Ethical Theories



- Meta Ethics
- Normative Ethics
- Applied Ethics

<http://www.iep.utm.edu/ethics/>

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Meta Ethics

- Where do our ethical principles come from
- What do our ethical principles mean
- The role of reason
- Meaning of ethical terms



<http://www.iep.utm.edu/ethics/>

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Normative Ethics

- Aim to arrive at moral standards that regulate right and wrong
- Good habits that are ideal
- Duties to follow
- Consequences of our behavior on others



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Normative Ethics

- Single principle by which we judge all actions
- Key assumption..... There does exist an ultimate criterion of moral conduct

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How Do We Decide?



- Agree in principle, but do we have the same principle
- What do we base our standards on
- How do we apply these standards
- If ethics is NOT based on feelings, religion, law, social norms or science then what IS it based on

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Five Approaches

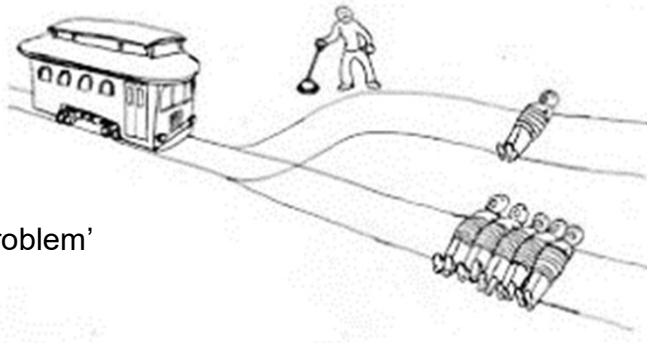
- Utilitarian Approach
- Rights Approach
- Fairness (Justice) Approach
- Common Good Approach
- Virtue Approach

Meeker, David. Five Basic Approaches to Ethical Decision Making (The Markkula Center for Applied Ethics)

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Utilitarian Approach



The 'Trolley Problem'

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Utilitarian Approach

- Also known as 'Consequentialism'
- Do the most good or do the least harm
- Tally the good against the bad
 - More good- Ethical
 - More bad- Unethical

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Rights Approach

Always recognize that human individuals are ends, and do not use them as means to your end.

(Immanuel Kant)

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Rights Approach

- Best decision is one that protects and respects the moral rights of those affected
- Duty to respect other's rights
- **Others should not be treated as a means to an end**

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Fairness/Justice Approach

- Treat everyone equally and if we don't we must be able to defend why
- Ask yourself
 - What is the fair thing to do?
 - What has been done in the past?
 - Are decisions consistent?

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Common Good Approach



Well known example of doing what best contributes to the common good



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Common Good Approach



- Should contribute to the common good
- Relationships with others serve as the basis for our ethical decision making
- Must hold respect and compassion for others and for their conditions
- “Life in a community is good and our actions should contribute to that life.”

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Virtue Approach



- Asks of any action
 - “What kind of person will I become if I do this?”
 - “Is this action consistent with me acting at my best?”

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Virtue Approach



- Virtues that help us become our best possible self
 - Fidelity
 - Reparation
 - Gratitude
 - Justice
 - Beneficence
 - Self-Improvement
 - Non-maleficence

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How do we use these approaches?



- Put the approaches together and we can encounter problems
- Each approach may not lead us to the same answer with reference to what is ethical
- Each can give us valuable information and, more often than not, may lead to similar answers



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Six Key Values



- Help guide decisions
- Help clarify issues and goals
- Help identify possible solutions



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Trustworthiness



- Be reliable
- Be consistent
- Keep promises
- Do what you say you will do
- Be honest and not deceptive
- Act with integrity
- Be loyal to others even when they are not present
- Be credible and maintain a good reputation

"If you want to be trusted be honest,
if you want to be honest be true,
if you want to be true, be yourself"

-Unknown

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Respect



- Treat others better than they treat you
- Be open and tolerant of differences
- Be considerate and courteous
- Deal peacefully with anger, insults or disagreements
- Use good manners
- Treat others the way they want to be treated

TO GET IT

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Responsibility

- Be consistent
- Be accountable
- Think before acting
- Act with self-discipline
- Do what you are supposed to do
- Know that actions create consequences

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Fairness

- Play by the rules
- Take turns and share
- Do not pass blame
- Be open minded and listen
- Be equitable and impartial

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Fairness



Fairness is not about statistical equality.

— *John Bercow* —

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Caring



- **Show you care**
- **Express gratitude**
- **Forgive**
- **Help others in need**
- **Be compassionate**



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Citizenship



- Do your share
- Cooperate
- Share information
- Stay informed
- Be a good neighbor
- Protect the environment
- Obey the law
- Seek the common good



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Normative Ethics
 Respect
 Meta Ethics
 Applied Ethics
 Virtue Approach
 Utilitarian Approach
 Beneficence
 Gratitude
 Self Improvement
 Common Good Approach
 Fairness Approach
 Responsibility
 Rights Approach
 Fairness
 Honesty
 Golden Rule
 Integrity
 Ethical Standards
 Justice
 Caring
 Trustworthiness
 Rule
 Citizenship
 Obey
 Protect

Path for Ethical Decisions

- Stop and Think
- Clarify Goals
- Get the facts
- Evaluate alternatives
- Consider consequences
- Decide and test



https://research.ku.edu/sites/research.ku.edu/files/docs/EESE_EthicalDecisionmakingFramework.pdf

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Stop and Think

- Recognize there is an issue
- Prevent a rash decision
- Prepare to become thoughtful about issue



"It sort of makes you stop and think doesn't it?"

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Clarify Goals

- Short term vs Long term
- Want vs Don't Want
- Don't allow fulfilling immediate wants to outweigh achieving long term goals

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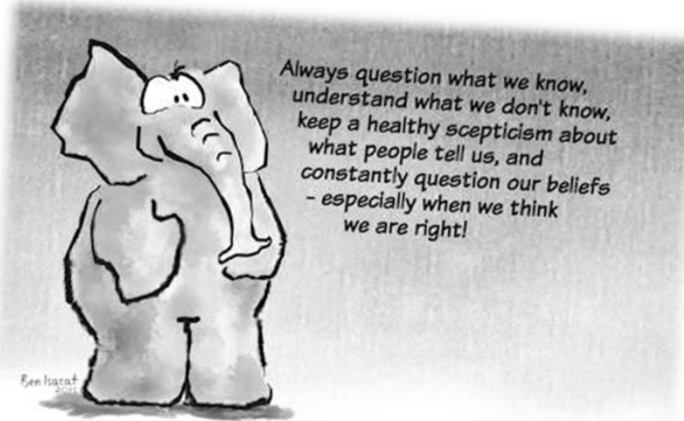
Get the Facts

- What do you know and what do you need to know
- Prepare for additional information
- Verify all assumptions and additional information
- Consider basis of facts and reliability of those relaying facts

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Get the Facts



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Evaluate Alternatives



- Alternative options and/or actions
- Make a list
- Ensure all choices help reach the identified goal
- If struggling, talk with someone

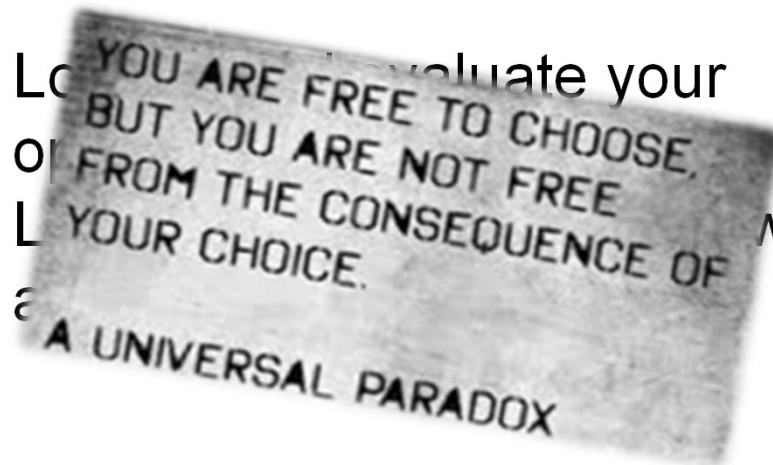
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Consider Consequences



- Look at the consequences of your choice will
- Look at the consequences of your choice will



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Decide and Test



- Must now decide
- If still unsure, talk with someone
- Are you proud of your decision
- In the end....

Follow the golden (or platinum) rule

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Reflect on Outcome....

- **Monitor** the effect of the choice
- Can **re-assess** and **change** the decision



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Important Considerations

- Federal Guidelines
- State Guidelines
- Professional Organizations
 - Code of Ethics

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Federal Regulations



• Anti-kickback legislation

- 'Felony to knowingly and willfully solicit or receive any type of remuneration directly or indirectly, overtly or covertly, in cash or kind in return for purchasing, leasing or ordering (or recommending the same) of any good or service that is reimbursable in part or whole under a federal health care program
- Applies to Medicare, Medicaid and Tricare
- Premise is that this creates incentives to over utilize specific goods/services, creates unfair competition and impinges on patient care

http://www.asha.org/practice/reimbursement/medicare/regulations_sum.htm

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Federal Regulations



• False Claims Act

- May not submit fraudulent claims to any entity
- Includes services not performed, billing under someone else's provider number, unbundling, upcoding, billing for services known to not be covered and not adding the appropriate modifier, submitting for claims not medically necessary and not adding the appropriate modifier

http://www.asha.org/practice/reimbursement/medicare/regulations_sum.htm

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Federal Regulations

- Stark Law
 - HIPAA
 - OSHA
 - Infection control, training
 - Federal Trade Commission
 - Consumer marketing
- Federal violations can carry criminal penalties**

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State Guidelines

- Dictate scope of practice
- Many serve to prevent ethical dilemmas that could become legal problems
- Ignorance is not a defense
- May result in loss of license

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AAA



- Preamble contains statement of purpose
- Principle I- honesty, integrity and respect
- Principle II- professional competence
- Principle III- confidentiality
- Principle IV- necessary services
- Principle V- dissemination of information
- Principle VI- truthfulness in publication
- Principle VII- professional cooperation
- Principle VIII- dignity of the profession

<http://www.audiology.org/publications-resources/document-library/code-ethics>

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ASHA



- Preamble contains statement of purpose
- Principle I- welfare of patients (competence, truthfulness, honesty)
- Principle II- professional performance (continuing education and supervision)
- Principle III- disclosure of information (dissemination of information, conflict of interest, fraud, truthfulness and honesty)
- Principle IV- professional cooperation (referrals, scope of practice, collaboration)

<http://www.asha.org/Code-of-Ethics/>

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ADA



- Preamble contains the purpose and overview
- Principle I- welfare of persons served
- Principle II- professional competence
- Principle III- professional demeanor
- Principle IV-accuracy of information
- Principle V- professional conduct
- Principle VI- maintain standards

<http://www.audiologist.org/ethical-practice-guidelines>

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Common Ethical Dilemmas



- Pay source/funding
- Quid Pro Quo
- Workplace Interactions

Ethical Dilemmas in Audiology, Callahan et al. Contemporary Issues in Communication Science and Disorders, Vol 38, 76-86 Spring 2011

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Final Comments



Thank you for attending:
Professional Ethics:
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- Any Questions?

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