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Dilemmas for Audiologists: Scenarios for Ethical Decision Making



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Disclosure



Financial: Presenter is being paid a stipend for this webinar.

Non-Financial: Presenter is the current Chair of the Louisiana licensure board (LBESPA) and is a member of the ASHA Board of Ethics. In addition, he conducts ethics training for the National Council of Licensure Boards (NCSB).

Portions of this presentation have been developed with assistance from Theresa Rodgers, CCC-SLP.

Learner Outcomes



As a result of this Continuing Education Activity, participants will be able to:

1. Review complaints describing potential violations by audiologists
2. Recognize and resolve problems with unethical behavior by audiologists
3. Engage in the process of ethical decision-making

Current Focus on Ethics

- ▶ Transcends all practice settings
- ▶ Problems with application of codes of ethics to everyday practice—knowing what is in a code of ethics document does not ensure application for ethical practice
- ▶ Continuing education requirement for some professional associations
- ▶ Requirement for licensure renewal in 8 states
 - Alabama (Recommended)—1/12
 - Kentucky—2/30
 - Texas—2/20
 - Ohio—2/20
 - W. Virginia—1/20
 - DC—1/20
 - Oklahoma—3/20
 - Wisconsin—2/20



Professional Ethics



- ▶ Reflect moral principles or values
- ▶ Historically developed by professional associations to guide practitioner duties and obligations
- ▶ Utilized by licensure boards in consumer protection
- ▶ More specific than laws; generally a component of rules and regulations
- ▶ Serve dual function of public protection and regulation of practitioner behavior

Principles of Professional Ethics



- ▶ Impartiality/Objectivity
- ▶ Openness/Full Disclosure
- ▶ Confidentiality
- ▶ Due Diligence
- ▶ Fidelity to professional responsibilities
- ▶ Avoidance of conflict of interest, perceived or otherwise

Colero, L. A framework for principles of ethics. Crossroads Programs, Inc. <http://www.ethics.ubc/papers/invited/colero.html>

Differences in Sanctions for Ethical Misconduct

Professional Associations

Reprimand
Censure
Suspension of certification/membership
Revocation of certification/membership

State Regulatory Bodies

Public Reprimand
Restrictions on practice
Monetary fines
Suspension of license
Revocation of license



Ethical Complaints

- ▶ Must have subject matter jurisdiction (e.g. cannot cite practitioner for personality issues)
- ▶ Often best to resolve issues between/among practitioners
- ▶ Complaint may be dismissed (by either professional association or licensure board)
- ▶ Often referred to investigator if it involves licensing issues



Sample Complaints

I am an audiologist in the greater metropolitan area. While reading the daily newspaper, I was shocked to see a colleague's name listed as having been charged with DUI after being stopped at a sobriety checkpoint last evening. I feel it is my ethical obligation to report this to the licensure board as it reflects negatively on our profession.

Ethical Violation **Yes**
 No

Sample Complaints (cont'd)

I am writing to inform you of correspondence I received from my insurance company involving charges submitted by an audiologist, Dr. X. I received an EOB from the insurance company, indicating the audiologist was reimbursed for basic comprehensive audiometry. Having been to another audiologist, I know that Dr. X performed only air conduction testing. When I called the office, they told me they filed a claim based on the code submitted by Dr. X.

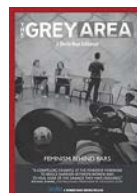
Ethical Violation **Yes**
 No

Consequences of Unethical Behavior

- ▶ Sanctions by professional association and/or state licensing board—range from fines to restrictions on practice to loss of credentials needed to practice
- ▶ Public notifications
- ▶ Reporting of final judgment to the National Practitioner Data Bank (NPDB), a federal repository for audiology practitioners

Considerations in Ethical Decision-Making

- ▶ Rarely a clear-cut issue—often many grey areas
- ▶ What is unethical to one may be ethical to others
- ▶ Generally based on one's past moral training
- ▶ Unethical behavior may occur in light of appropriate standards of care



Relationship of Ethics to the Law

A decision may be:

- ▶ Legal and moral
- ▶ Illegal and moral (stealing food following a natural disaster)
- ▶ Legal and immoral (to some DNR's are not moral)
- ▶ Illegal and immoral (murder)



Slocum, J.M. Ethics, law and regulatory affairs: comparisons and contrasts

<http://www.srainternational.org/sra03/uploadedfiles/1771.pdf>

Legal, Ethical and Moral Issues Example

Audiologist #1 evaluates a patient for hearing aids and informs the patient that he is recommending the aids from XYZ Manufacturer because he is only six aids away from qualifying for a free cruise. Audiologist #2 sees a patient and bases his recommendation for aids on the quantity discount he receives from ABC Manufacturer. However, he does not pass the information or the discount on to the patient.

Are there legal issues?

Are there ethical issues?

Are there moral issues?

Which audiologist is more ethical?

Ethics Exercise: You Be the Judge

Each of the following scenarios represents a potential ethical violation. Determine if a violation has occurred, and if so, which principle(s) have been violated. Explore means by which the problem can be resolved, and if no resolution is apparent, determine appropriate sanctions.



Ethical Scenario

An audiologist has completed all coursework toward a PhD, but has not completed the required dissertation. In testifying as an expert witness in a railroad arbitration case, he lists his credentials as having a PhD. Another audiologist who sees the bio reports the issue to the licensing board.

Violation Yes_____ No_____

Principle(s) Violated _____

Possible Sanction(s)_____

Ethical Scenario

A private practice audiologist in a small town is unsuccessful in fitting hearing aids on a patient with a difficult personality. She expresses her frustration on Facebook, never revealing the patient's name or gender. The patient, a prominent member of the city council, posts negative remarks about the audiologist's business practices on his own Facebook page. Within a short time, individuals are able to identify "the difficult patient" from the posts on both of the Facebook pages.

Violation Yes_____ No_____

Principle(s) Violated_____

Possible Sanction(s)_____

Ethical Scenario

While an experienced audiologist is making an earmold impression on a patient, the impression material inadvertently goes beyond the cotton block, causing a tympanic membrane perforation.

Violation Yes_____ No_____

Principle(s) Violated_____

Possible Sanction(s)_____

Ethical Scenario

A first-year audiologist (Dr. X) employed by a local medical center provides audiological services to inpatients and outpatients at the facility. The audiologist's immediate supervisor (Dr. Y) has noticed that Dr. X frequently returns from lunch with the smell of alcohol on his breath and is often late for work in the morning. Concerned that Dr. X may have an alcohol problem, he reports the situation to the licensure board.

Violation Yes_____ No_____

Principle(s) Violated_____

Possible Sanction(s)_____

Ethical Scenario

Dr. X is the only audiologist working in a rural speech-language-hearing center with three SLPs. His relationship with the owner (an SLP) is somewhat tenuous, and he has always felt he is underpaid. After a somewhat hostile staff meeting on a Friday morning, Dr. X submits his letter of resignation and decides not to return that afternoon although he is scheduled to see four hearing aid patients for follow-up.

Violation Yes_____ No_____

Principle(s) Violated_____

Possible Sanction(s)_____

Ethical Scenario

Consider Dr. X working as the only audiologist in the rural center. He is offered a position in an urban medical center and provides his employer with four weeks notice when he tenders his resignation. At the end of the four weeks, the facility has been unable to replace Dr. X; however, the medical center is unwilling to hold the position any longer. The owner is concerned about coverage for patients with hearing losses and files a complaint of patient abandonment against Dr. X.

Violation Yes_____ No_____

Principle(s) Violated_____

Possible Sanction(s)_____

Summary



- ▶ Ethics are not intended to represent moral judgments; however, ethics in practice are influenced by moral values learned through life
- ▶ Ethical violations occur on a continuum, from the intended (fraudulent billing) to those that occur through negligence (documentation errors, etc.)
- ▶ What may be viewed as an ethics violation by one practitioner may be viewed as an acceptable standard of care by another
- ▶ Grey areas arise when potential ethics violations are not clear-cut and are subject to interpretation by others in a position to issue judgments on a practitioner's behavior.

- ▶ NO PORTION OF THIS PRESENTATION MAY BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE AUTHOR.



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