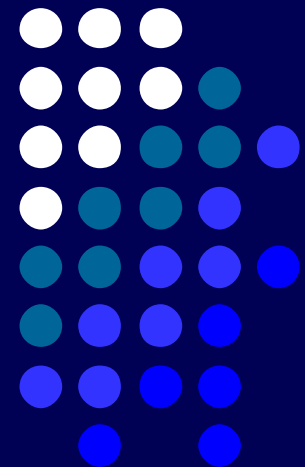


# Ethics: It's More Than Common Sense

National Student Speech-Language-  
Hearing Association Presentation

November 17, 2006

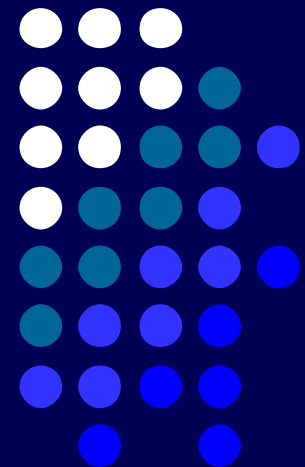
Board of Ethics

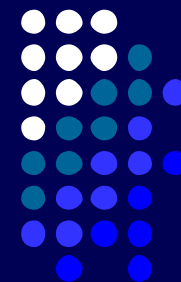


# Why Ethics is Important Ethical Decision Making

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Shelly S. Chabon  
Chair, ASHA Board of Ethics  
Senior Speech-Language Pathologist  
Children's Mercy Hospital and Clinics  
Executive Director,  
Children's TLC Easter Seals  
Kansas City, MO

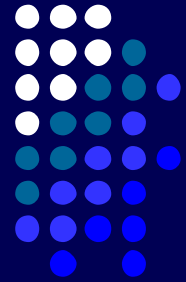




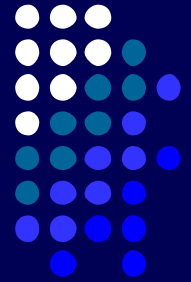
# Session Goals

- Discuss why speech-language pathologists and audiologists must be ethical
- Consider whether ethical thinking is “caught or taught”
- Discuss why we have codes of ethics and why they are important
- Offer an example of a decision making model to address ethical dilemmas

# Other Board members will then discuss:



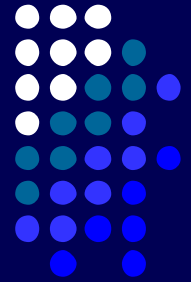
- Ethics and the KASA
- ASHA resources available to assist with ethical questions and issues.
- Ethical Issues in the Supervision of Clinical Fellows and AUD students
- Ethical challenges related to employer demands
- The adjudication process



# Why be ethical?

- Desire to adhere to high standards
- Provide excellent patient care
- Promote the values of the professions
- Avoid lawsuits
- Want to protect the public
- Desire to treat colleagues fairly
- Desire to be truthful with clients

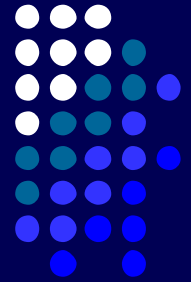
(Huffman, 2003)



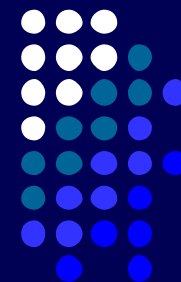
# Why be ethical?

- Want to be trusted by our clients, colleagues
- Desire to be respected
- We don't want to inflict harm
- Want to be competent at what we do
- Aspire to best practices
- Want to do the right thing
- Want to honor commitments

(Huffman, 2003)



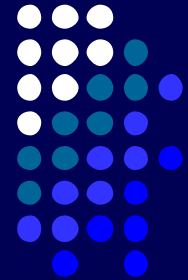
Can ethics be taught?



- Group I – CSD majors in junior year with no formal education in the ASHA code of Ethics
- Group II – First year graduate students with no formal training in the ASHA code of Ethics, but some exposure
- Group III – Second year graduate students with formal training in the ASHA code of Ethics

(Allen & Rastatter, 2005)

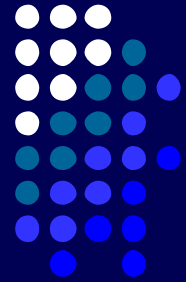
# 74-Item Questionnaire



- Ethical
- Possible Ethical
- Possible Unethical
- Unethical

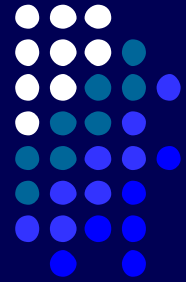


# Results



- Graduate students had slightly better mean scores
- than undergraduate students in judgments about unethical scenarios.
- Graduate students' mean scores were better than undergraduates' mean scores in judgments about ethical scenarios related to:
  - ❑ Principles II (professional competence), and
  - ❑ Principles IV (relationships with colleagues, students, and members of the allied health professions)
- Undergraduates made judgments that were good or better for ethical scenarios related to:
  - ❑ Principles I (patient welfare), and
  - ❑ Principles III (public understanding of the professions)

# ASHA 2006 Certification Requirements



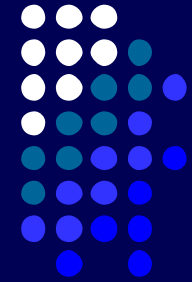
- **Standard III E** – the applicant must demonstrate knowledge of standards of ethical conduct.
- **Standard IV G** – the applicant must adhere to the ASHA Code of Ethics and behave professionally

(ASHA, 2006)

- **Standard IV B** – the applicant must have knowledge of professional codes of ethics and credentialing

(ASHA, 2007)

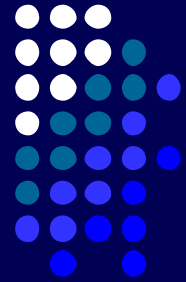
**The use of  
and purpose for:**



**American Speech-Language-  
Hearing Association**

**Code of Ethics**

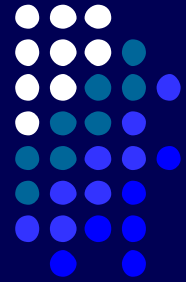
# Professional Codes and guidelines are extremely important



1. Provide helpful guidance to members
2. Establish and embrace the common, core values reflecting consensus among members.
3. Promote public trust by stating what is to be expected of professionals.

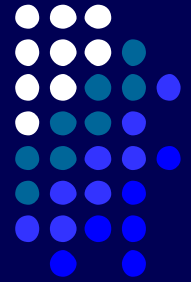
(Chabon & Dunham, 2006)

# ASHA Code of Ethics (Revised 2003)

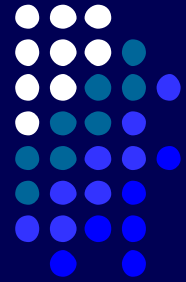


## Jurisdiction:

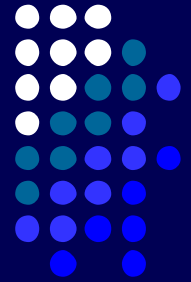
- ASHA members, certified or not
- Non-members who hold ASHA certification
- Applicants for membership or certification
- Clinical fellows



The ASHA Code of Ethics (ASHA 2003) consists of four Principles of ethics which constitute the moral basis for the code.

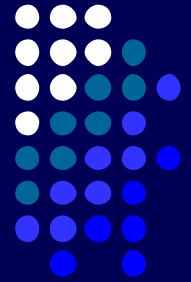


- **Principle I** - Responsibilities to persons served professionally
- **Principle II** - Responsibility for one's professional competence
- **Principle III** – Responsibility to the public
- **Principle IV** - Responsibilities involving inter-and intra-professional relationships



A code of ethics does not  
make a person ethical nor  
is it the mechanism by  
which we solve ethical  
problems.

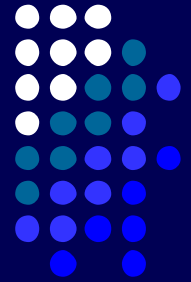
(English, 2001)



- Most Codes are broadly written. It is sometimes difficult to apply general rules to specific cases.
- Ethical questions are complex and may not be completely addressed by a code of ethics.
- An ethical code may conflict with institutional policies and practices.
- We may be required to practice within a framework of numerous codes of conduct.

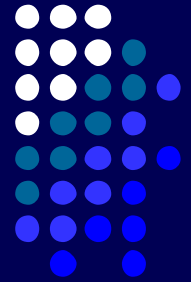
(Huffman, 2003)

*Ethics involves not only facts, but also *personal* and *cultural* values.*

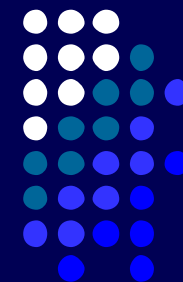


(Morris & Chabon, course notes)

Ethical decision-making  
involves a commitment  
to applying the ethics  
code to construct rather  
than simply to discover  
solutions to ethical  
quandaries.

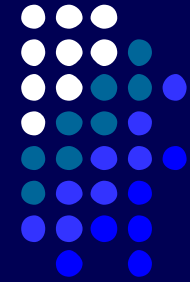


(Chabon & Ulrich, 2006)



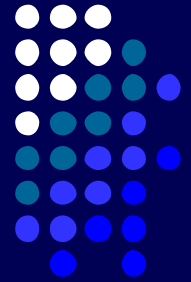
# Personal Experiences

# So, is this an example of (an):



- ethical dilemma?
- legal issue?
- interpersonal/communication problem?
- just one of those things that happens all the time?

(Morris & Chabon, Rockhurst University, 2005)



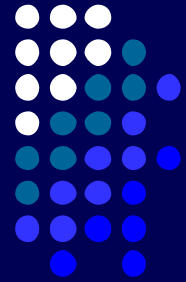
The decision-making process begins with  
the question,

*“Am I facing an ethical dilemma?”*

If the situation is one in which personal and  
professional integrity are being  
challenged, the answer will likely be

‘Yes.’

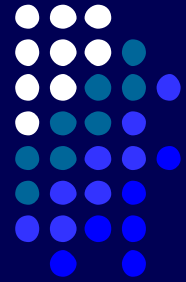
(Morris & Chabon, Rockhurst University, 2005)



Before an appropriate decision can be made about whether an ethical problem exists, you should:

- consider all relevant facts, values and beliefs
- consider different perspectives about the issue
- identify all individuals who have an interest in the outcome

(Morris & Chabon, Rockhurst University, 2005)



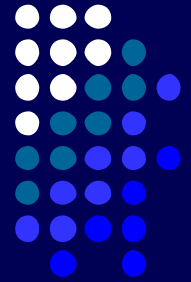
Once it is established that an ethical conflict exists, the questions addressed include:

*“What possible courses of action are permissible, impermissible or necessary?”*

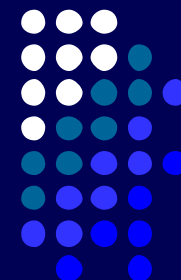
and

*“What are the effects (benefits and burdens) of each action?”*

(Morris & Chabon, Rockhurst University, 2005)



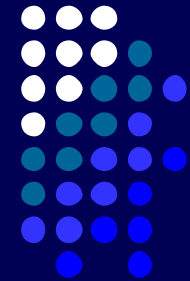
- obligatory = must always be done, regardless of the circumstances
- impermissible = must never be done, under any circumstance
- permissible = can either be done or, not done – it is good either way



Each conflict is evaluated in consideration of the ASHA Code of Ethics and of the ethical principles that form the philosophical basis of The Code.

These ethical principles include:

# Ethical Principles



*These are the three KEY principles; every decision must reflect these.*

**Respect for Persons**



**Non-Malevolence**



**Benevolence**



**Integrity**



**Justice**



**Utility**



**Double-Effect**

*These two principles provide checks on consistency.*

*These are pragmatic principles that help resolve specific difficulties.*

The *foundational* principle -- the six remaining principles all flow out of RESPECT.

Simple, but important -- above all else, do no harm!

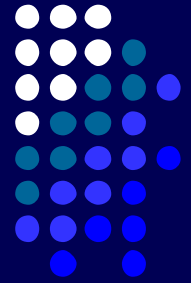
When you are certain that you are doing no harm, is there anything positive you can do?

This principle serves as a check on personal consistency.

This principle serves as a check on social consistency.

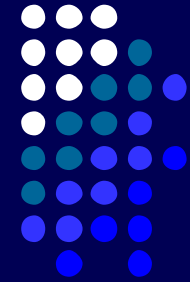
This principle provides a mechanism for choosing between multiple GOODS.

This principle helps to distinguish the intended GOOD from foreseeable BAD.



The final step in the process is to determine whether the proposed course of action leads to *consensus*. If *consensus* has been achieved, deliberation may be complete. If it has not been, the information which influenced the decision is re-assessed and other solutions or interpretations proposed.

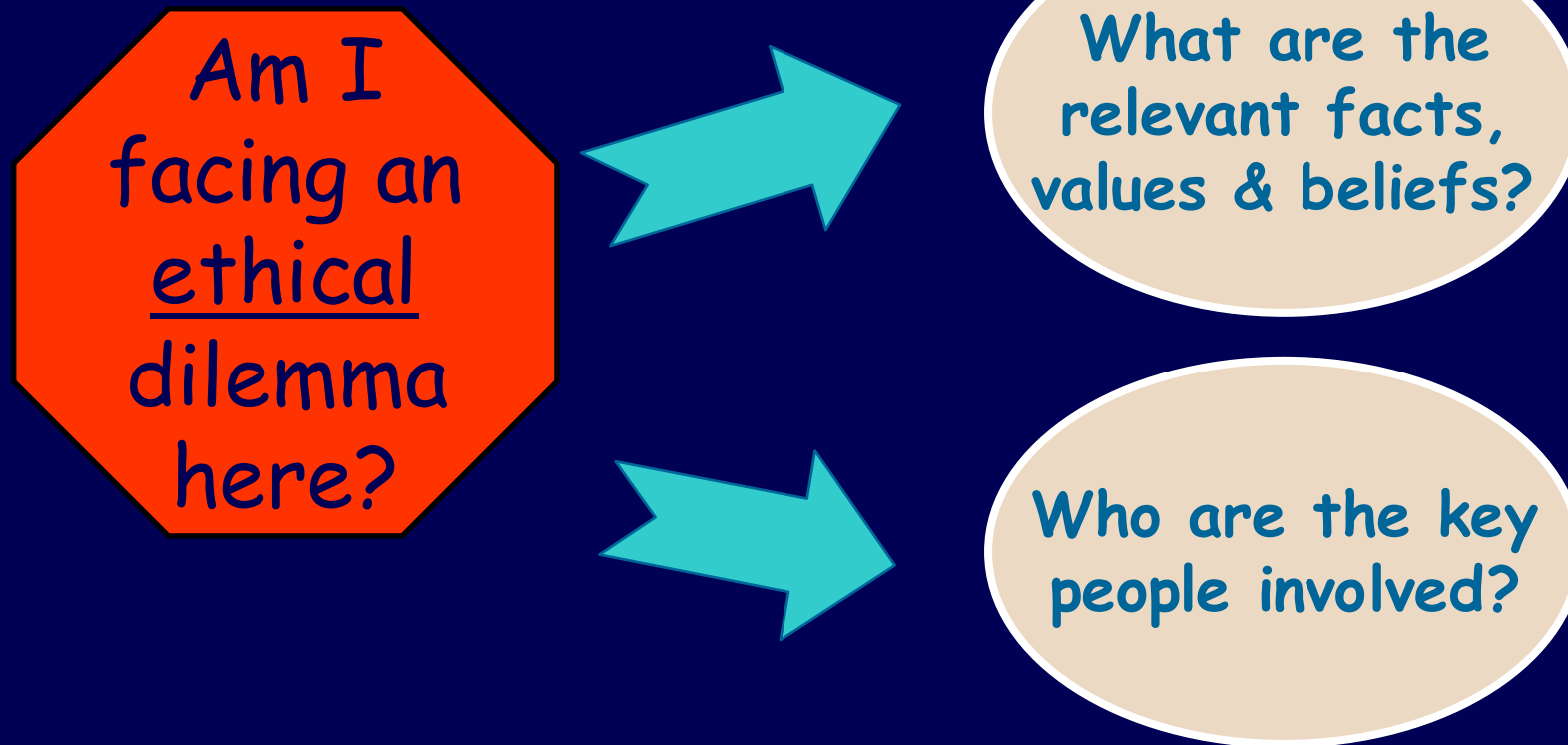
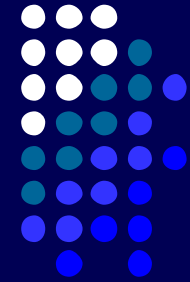
(Morris & Chabon, Rockhurst University, 2005)



The proposed course of action is examined in relation to personal interests, social roles and expectations and the ensuing obligations that accompany these roles.

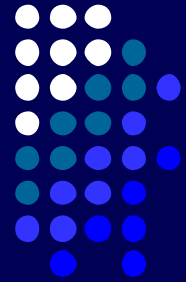
(Morris & Chabon, Rockhurst University, 2005)

# Ethical Decision Making Model

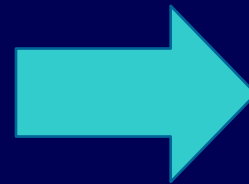


(Morris & Chabon, Rockhurst University, 2005)

# Ethical Decision Making Model



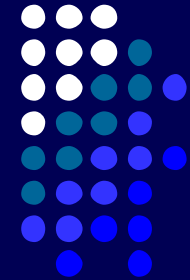
State the  
dilemma clearly.



Analysis

(Morris & Chabon, Rockhurst University, 2005)

# Ethical Decision Making Model



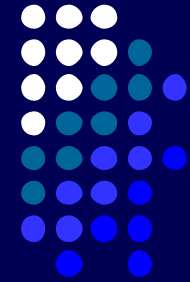
What are the  
possible courses  
of action  
one could take?

What are the  
conflicts  
that arise from  
each action?

*PROPOSED  
COURSE OF  
ACTION*

(Morris & Chabon, Rockhurst University, 2005)

# Ethical Decision Making Model



## Evaluate:

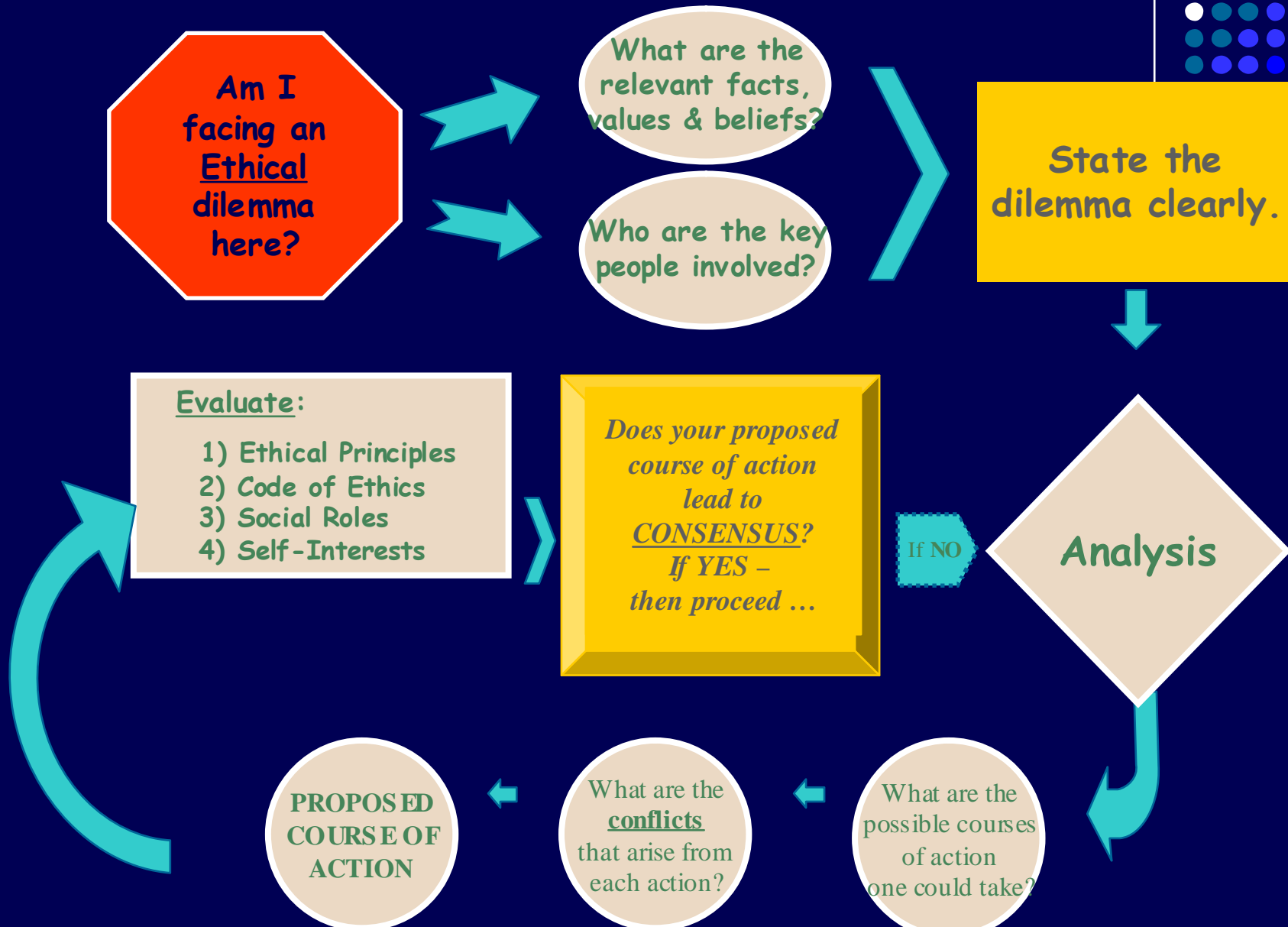
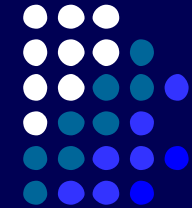
- 1) Ethical Principles
- 2) Code of Ethics
- 3) Social Roles
- 4) Self-Interests



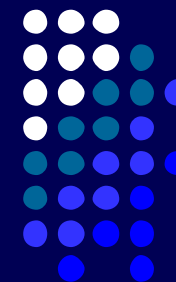
*Does your proposed  
course of action  
lead to  
CONSENSUS?  
If YES –  
then proceed ...*

(Morris & Chabon, Rockhurst University, 2005)

# Ethical Decision Making Model



(Morris & Chabon, Rockhurst University, 2005)



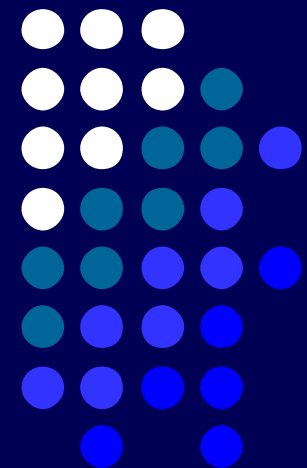
Good decisions pave the way  
for more good decisions



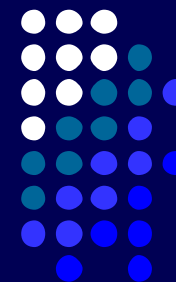
# Ethical Issues in Documentation of Knowledge and Skills

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Sue Hale  
Vanderbilt University  
Board of Ethics Member

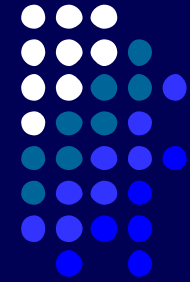


# Certification Standards in Audiology



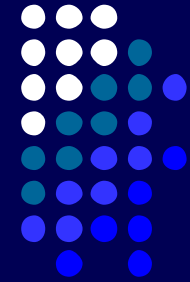
- Standard IV-B. Foundations of Practice.  
The applicant must have knowledge of:
  - B.1 Professional codes of ethics and credentialing

# Certification Standards in Speech-Language Pathology



- Standard IV-G. The applicant for certification must complete a program of study that includes supervised clinical experiences sufficient in breadth and depth to achieve the following skills and outcomes....
  - 3. Interaction and Personal Qualities
    - d. Adhere to the ASHA Code of Ethics and behave professionally

# “In this ever-changing world in which we live in” ....or an expanding Scope of Practice

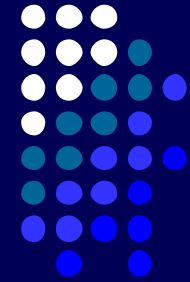


- A familiarity with the principles and rules of our Code of Ethics is sometimes not enough
- We all need internal tools for evaluating what is ethical and what is not

from “Live and Let Die” by Paul McCartney.

[http://www.oldielyrics.com/lyrics/paul\\_mccartney/live\\_and\\_let\\_die.html](http://www.oldielyrics.com/lyrics/paul_mccartney/live_and_let_die.html)

# Some thoughts on ethics....

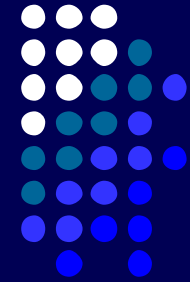


The value of professional codes of ethics is not so much that they exist but rather that they are practiced.

Joseph Helmick

On the Vitality of Ethical Conduct in a Foreword to Pannbacker, Middleton and Vekovius Ethical Practices in Speech-Language Pathology and Audiology

# Some thoughts on ethics....

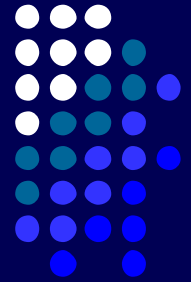


Sometimes ethical behavior is not the difference in right and wrong. It is the difference in right and more right.

Stuart Finder

Director of Medical and Research Ethics at Vanderbilt University to a Department of Hearing and Speech Sciences class on Professional Issues

# Some thoughts on ethics....

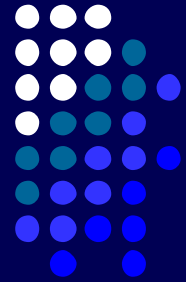


Always stay on the high road. You'll find there is way less traffic up there.

Arlene Carney

In a personal conversation when we were working on the new standards for certification and reactions and feelings were running high.

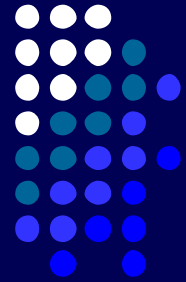
# Particularly relevant information for the workplace



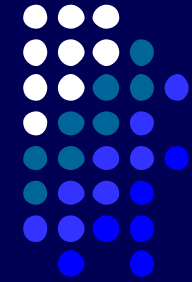
- Guidance from the Code of Ethics for:
  - Evidence-based practice
  - Representation of services for reimbursement
  - Conflicts of professional interest

# Institute of Society, Ethics, and the Life Sciences report (1980, p. 4)

ASHA (2002) Ethics in Research and professional practice. *ASHA Supplement 22.*



- Learn to examine and make distinctions among large concepts such as justice, dignity, privacy, virtue, right, and good (as well as) ethical principles and moral values
- Take ethics seriously—and relate “thinking about ethics” to personal conduct

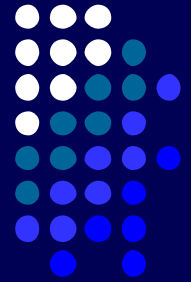


# Institute of Society, Ethics, and the Life Sciences report (1980, p. 4)

ASHA (2002) Ethics in Research and professional practice. *ASHA Supplement 22.*

- Realize that even if ethical certainty is often impossible, ethical reasoning about choices can be precise
- Seek exact points of difference, attempting to solve disagreements as much as possible by resisting false distinctions and evasions.

# A Word of Advice for Students



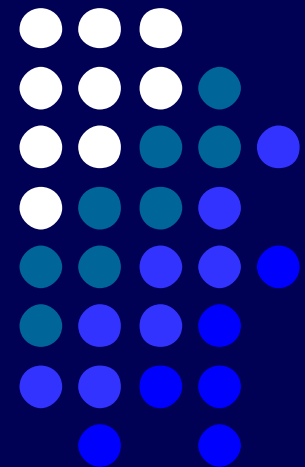
Always do what is right. That will satisfy most people and astonish the rest.

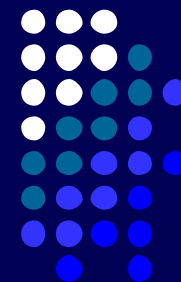
Mark Twain

# Ethical Issues Related to Supervision of Students and Clinical Fellows

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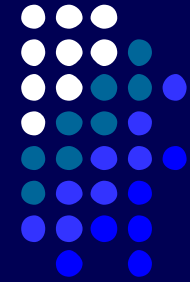
Jayne Handelsman  
University of Michigan Health System  
Board of Ethics Member





# Clinical Fellowship (CF)

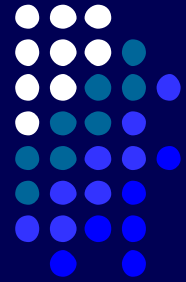
- For most speech-language pathologists, the CF is the first professional employment experience
- Supervisors of clinical fellows, then, play a critical role in preparation of professionals
  - Providing mentorship regarding areas of clinical expertise
  - Providing mentorship regarding ethical professional behavior



# Clinical Fellow Supervisors

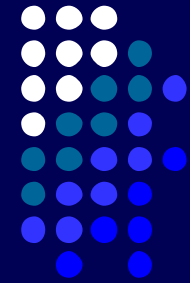
- Hold positions of power over CFs
  - Delay or deny completion of requirement
  - Power to affect immediate and subsequent employment
- Have an obligation to recognize that they may encounter conflicts of interest between professional/workplace demands and their ethical duties to the CFs

# Possible Ethical Misconduct Includes

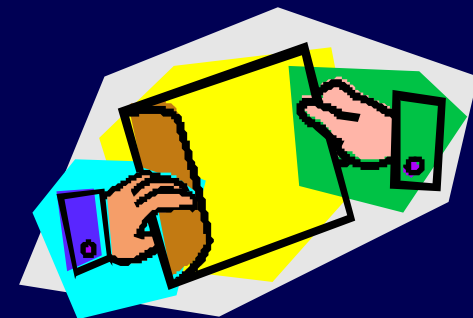


- Arbitrary termination of clinical fellow supervision relationship
- Failure to complete and sign CF report
- Failure to provide the required amount (and type) of supervision
- Recruitment of CFs to serve as independent practitioners
- Failure to fulfill the responsibilities of CF supervision as agreed

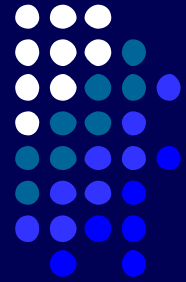
# Clinical Fellow Supervisors Must



- Be familiar with their obligations as specified in
  - The Code of Ethics
  - Certification and Membership Handbook
  - Pertinent sections of state licensure laws
- Comply with all requirements in order not to jeopardize the certification or licensure status of the CF



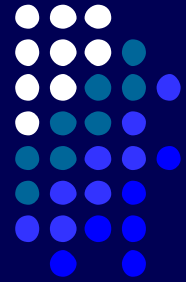
# Steps to Avoiding Conflict Include



- Specification *in writing* of the conditions of employment
  - Hours (including non-clinical time)
  - Salary and benefits
  - Duration of employment
  - Amount and type of supervision provided
  - Means and timing of evaluation
  - Record keeping requirements
  - Complaint process

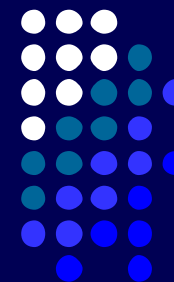


# Ongoing Communication Key



- Means of preferred communication
  - E-mail
  - Telephone
  - Regularly scheduled meetings
- On-site supervision and feedback
- Interaction with other professionals
- Work load expectations and problems
- Questions about billing and other documentation



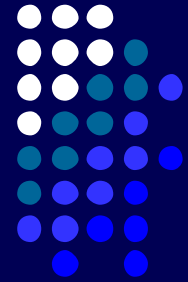


# Scenario 1

- You are interviewing for a competitive clinical fellow position in another state
- The position involves providing clinical services at three locations, with a rotating schedule
- The position is for one calendar year, full time, with no guaranteed opportunity for continued employment



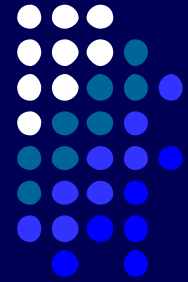
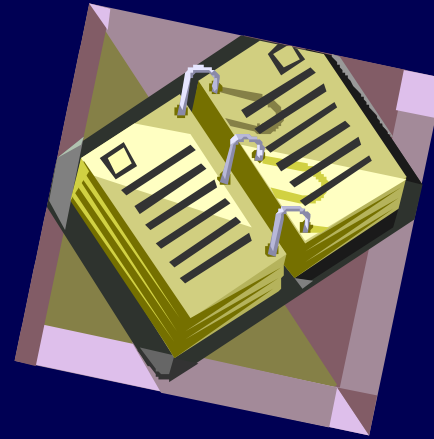
# Interview Questions for the Employer



- Who will supervise my clinical work
  - Frequency
  - Method (on site)
  - Documentation of supervision
- Expectations of multiple supervisors
- Clinical load
- Evaluation of performance
- Completion of ASHA certification paperwork

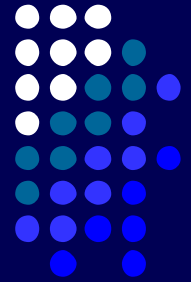


## Scenario 2



- You have completed 6 months of your CF
- You committed to a one-year period of employment when you were hired
- You are offered a job in another location with better salary and benefits and the potential for permanent employment

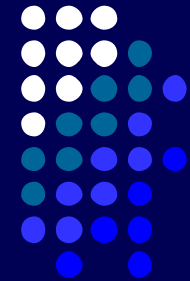
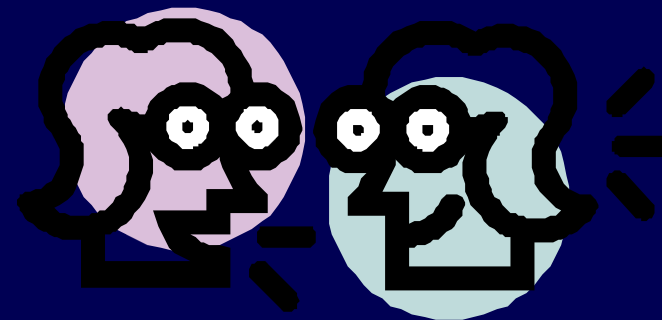
# Ethical versus legal issues



- What is your ethical obligation to your current employer
- What is your ethical obligation to your clients
- Contracts and non-compete agreements
- Certification paperwork

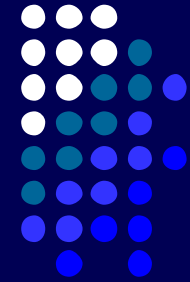


# Communication is Key



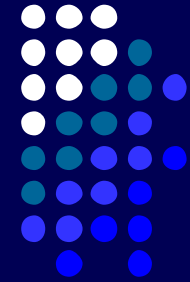
- To understanding the details of the position prior to taking the job
- To navigating unforeseen problems as they arise
- To negotiating resolutions to potential areas of conflict
- To facilitating successful completion of the clinical fellow year

# Fourth Year Audiology Students



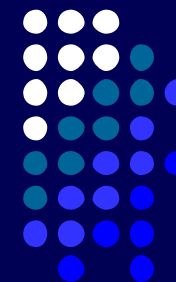
- Are *STUDENTS*, not clinical fellows
  - May not be eligible for licensure, which may affect billing for services
  - Remain the responsibility of the academic program until graduation
- The graduate program must insure that the student fulfills the knowledge and skill requirements specified





# Ethical Considerations

- Clinical sites must appreciate the academic status of the students
  - Supervision requirements
  - Prior clinical experiences and expectations for fourth year
  - Means of evaluation
  - Process for conflict resolution
- Ultimately, the academic program is responsible for clinical outcomes, including the fourth year

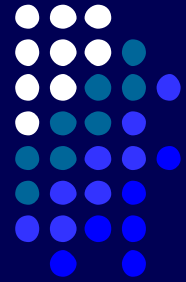


## Scenario 3

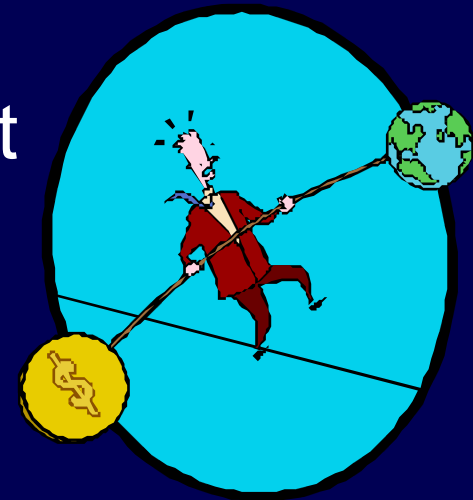
- You are in your third year of your Au.D., and you are looking at possible externship sites
- You have the opportunity to work in a private practice setting with some diagnostic work and considerable hearing aid dispensing
- They have offered to pay you \$45000 for one year, with the potential for permanent employment
- You have obtained minimal clinical experience with electrodiagnostic testing in school

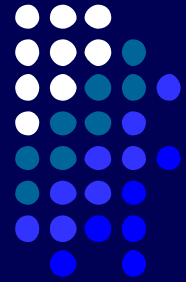


# Ethical considerations



- Academic program's responsibility for clinical placement
- Knowledge and skills assessment
- Potential conflict of interest
  - Money
  - Need for clinical experience
- Supervision needs versus expectations for independent practice





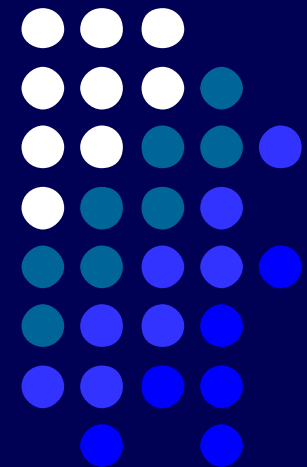
# Conflict Resolution

- Responsibility of professionals to students and clinical fellows
  - Mentorship
  - Record Keeping
  - Ethical conduct
- Responsibility of students and clinical fellows
  - Clear communication about expectations
  - Record keeping
  - Speaking up when problems arise

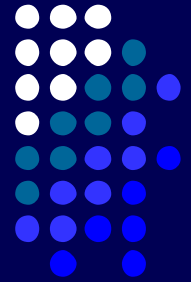
# Ethics at Work Handling Employer Demands in an Ethical Manner

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Lissa Power-deFur  
Longwood University  
Board of Ethics Member

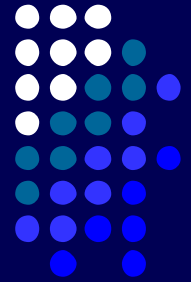


# Resolving Ethical Dilemmas with Your Employers

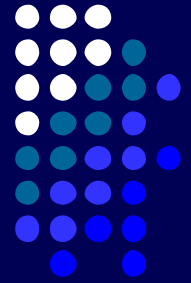


- Ethical codes at work
- Resources
- Education and advocacy responsibilities and opportunities

# Ethical Codes Governing the Workplace

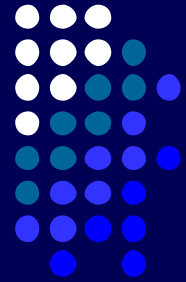


- Employers' policy manual
- State licensure laws and regulations
- State and federal laws and regulations
- Professional organizations' codes of ethics



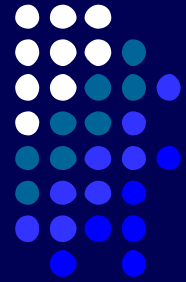
# Employers' policy manual

- Discrimination
- Sexual harassment
- Confidentiality
- Disability accommodations
- Attendance
- Conflict of interest
- Substance abuse
- Misconduct involving technology



# State licensure laws

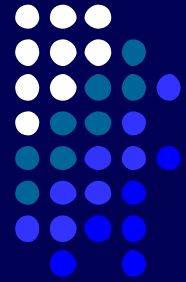
- SLP and Audiology Board
  - Scope of practice
  - Delegation of work to non-licensed personnel
  - Revocation
- Education Board
  - Revocation



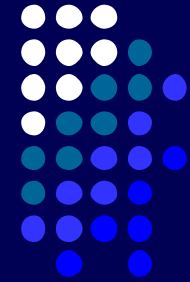
# Revocation?

- Falsification of documents associated with license
- Violating laws associated with professional regulation
- Falsification of school records
- Convicted of felony or misdemeanor involving moral turpitude
- Conduct detrimental to health, welfare of students in school
- Misapplication of school funds

# State and federal laws and regulations



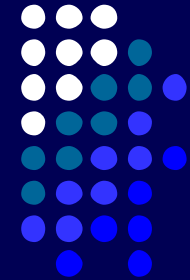
- General public
  - Sexual harassment
  - Discrimination
  - Substance abuse
- Employment setting specific
  - Education
  - Health care



# Laws and Regulations

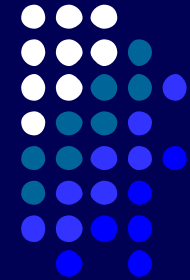
- Family Education Rights and Privacy Act
  - Confidentiality
- Individuals with Disabilities Education Act
  - Services to children with disabilities
- Health Insurance Portability and Accountability Act
- Medicaid
- Medicare

# Resources



- ASHA
- State agencies
  - Audiology & Speech-Language Pathology licensure board
  - Department of Education
  - Medicaid agency
- Employer
  - Human Resources, Mediators
- Union
- Colleagues
  - Peers, supervisors, mentors, professors

# Education and Advocacy

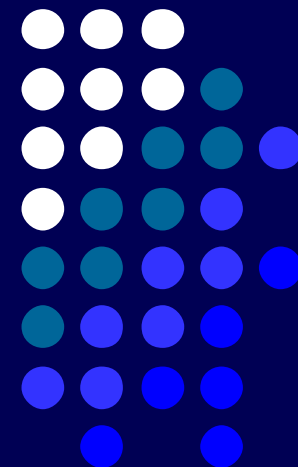


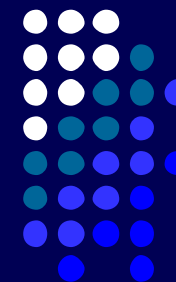
- If your employer is not a speech-language pathologist or audiologist assume he/she is not familiar with the ASHA Code of Ethics
- Relate ASHA Code of Ethics to standards more familiar to the employer
- Point out benefits to employer for adhering to the Code of Ethics

# Ethics Enforcement and Comments About Adjudication

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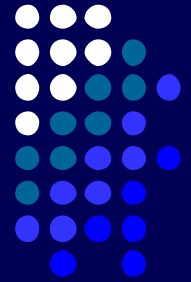
Shelly S. Chabon  
Chair, ASHA Board of Ethics  
Senior Speech-Language Pathologist  
Children's Mercy Hospital and Clinics  
Executive Director, Children's TLC Easter Seals  
Kansas City, MO



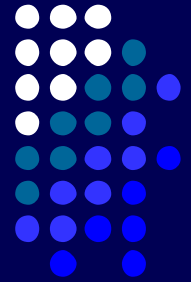


# Ethics Enforcement

# Sanctions for Ethical Violations

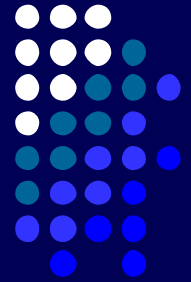


- Reprimand.
  - Not publicized.
  - Confidential
- Censure
  - Publicized (e.g. ASHA Leader)
  - Notification to licensing boards
  - Notification to other professional associations



# Sanctions for Ethical Violations

- Withhold
- Suspend
- Revoke



Ethics is at the heart of professionalism  
as it motivates, guides and gives  
meaning to our work

(Gabard and Martin, 2003)

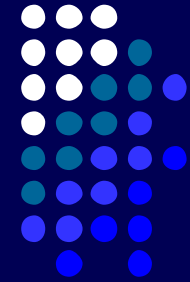
I am doing well at my clinical extern site. In fact, for the last two weeks, my supervisor has only come by one time for about half an hour to supervise me – she had been on vacation part of that time.



*I know she should be coming by more often,  
but I don't want to rock the boat.*

(Based on scenario from Ethics in Rehabilitation, Kornblau & Starling, 2000)

# What difference would it make to the case if:



- You had difficulty on prior fieldwork?
- Your GPA was near the bottom ranking of your class?
- You had already put in a large number of hours before the supervisor went on vacation?
- An OT at the facility had expressed some concern over the lack of supervision you were receiving?
- This was early in your overall fieldwork experience?
- Your supervisor was also a graduate of the school you are attending?
- You had been having some “minor” problems due to the inability to get input from your supervisor?

(Based on scenario from Ethics in Rehabilitation, Kornblau & Starling, 2000)

# Questions and Discussion

