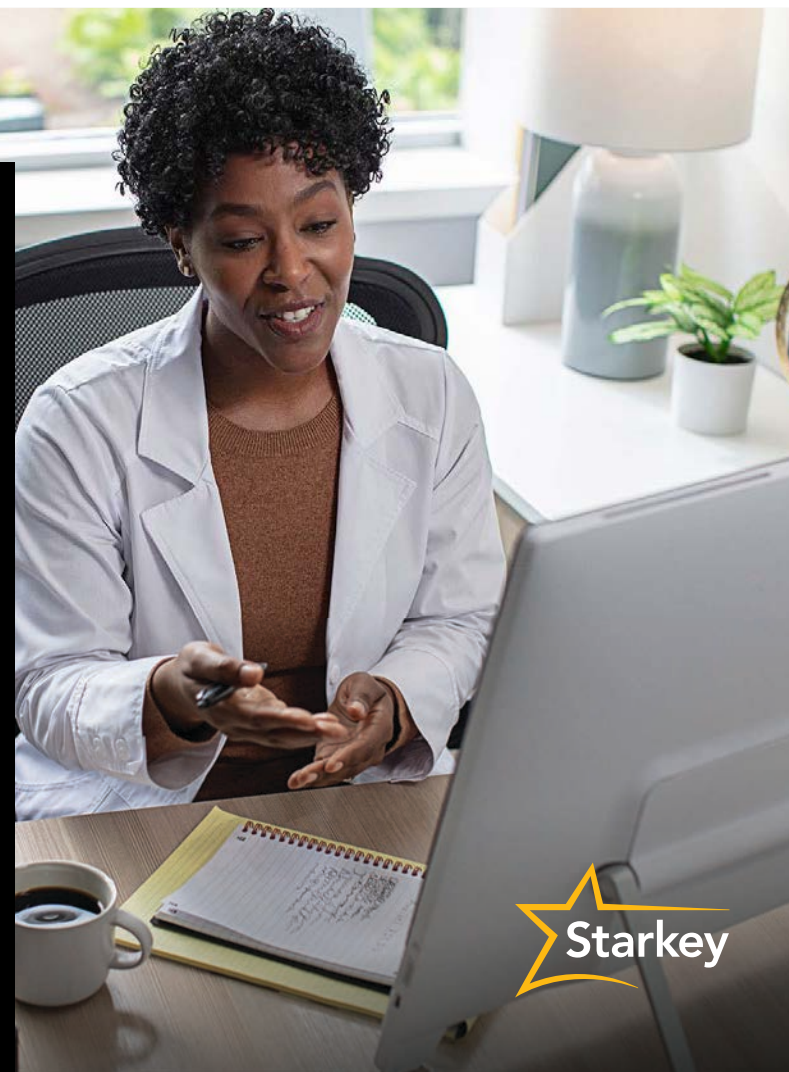


Ethics for the Hearing Healthcare Professional

Marjorie Klaskin, Au.D.
Education and Training Audiologist



Webinar FAQs

Ethics for the Hearing Healthcare Professional

Marjorie Klaskin, Au.D.

How to Ask a Question

Click Q & A, type your question, and Send

Where to get the handout

A PDF handout for this presentation may be accessed through your Pending Courses on Audiology Online or by clicking on the link in Chat within the classroom

How to earn CEUs

CEUs are available with a paid Audiology Online Unlimited CEU Access membership

After completing the course, go to your Pending Courses on Audiology Online and pass the multiple-choice exam

Assistance or Tech Support

Call 800-753-2160

customerexperience@continued.com

Use the Q&A window



Learning Outcomes

1

Compare the differences between laws and ethics

2

Explain the purpose of an ethics protocol in a hearing healthcare practice

3

Recognize potential ethical dilemmas



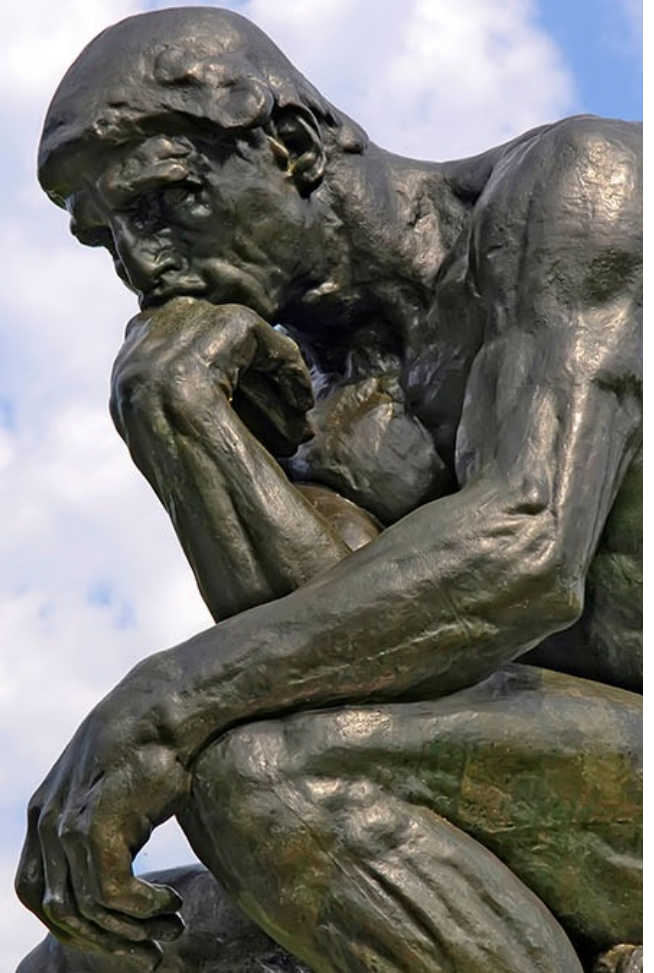


eth·ics

/ˈeTHiks/ 

plural

1. moral principles that govern a person's behavior or the conducting of an activity:
"medical ethics also enter into the question"
2. the branch of knowledge that deals with moral principles:
"neither metaphysics nor ethics is the home of religion"





Personal Ethics

The ethics that *a person* identifies with in relation to people and situations that they deal with in everyday life

INTEGRITY

HONESTY

LOYALTY

SELFLESSNESS

FAIRNESS

SELF-RESPECT



Professional Ethics

The ethics that a person **MUST** adhere to with regard to their *interactions and business dealings in their professional life*

HONESTY

TRUSTWORTHINESS

RESPECT FOR OTHERS

ADHERENCE TO THE LAW

AVOIDING HARM TO OTHERS

ACCOUNTABILITY

What is an Ethical Dilemma?

1

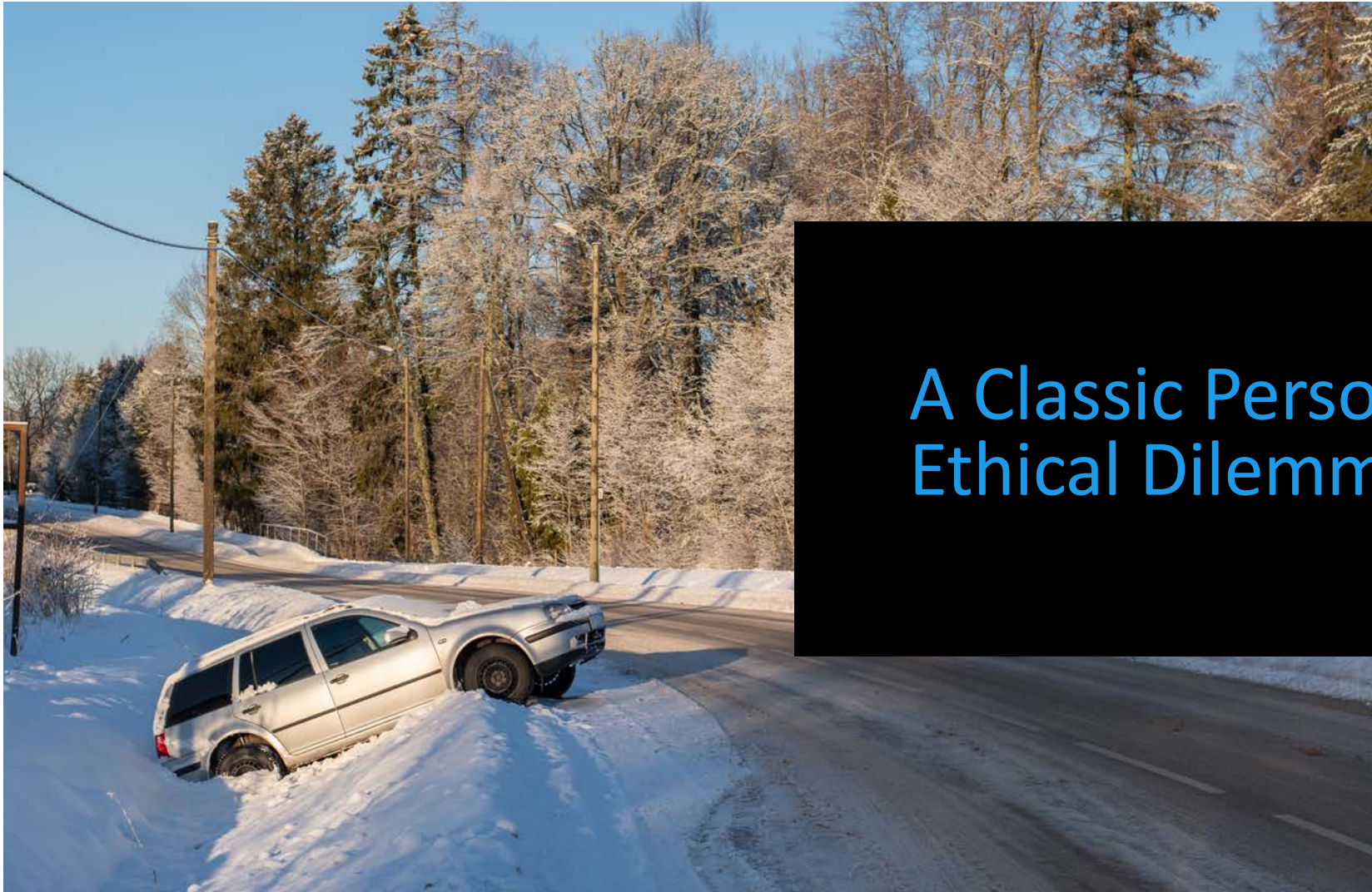
There must be different courses of action to choose from

2

An individual must make a decision about which course of action is best

3

In an ethical dilemma, no matter what course of action is taken, some ethical principle is compromised
In other words, there is no perfect solution



A Classic Personal Ethical Dilemma



Poll

What would you do in the
“car ditch” scenario?

A

Stop and offer OR call for help

B

Keep going because you think
help is already on the way

Ethical Dilemma vs Conflict of Interest

Ethical Dilemma

eth ▪ i ▪ cal di ▪
lem ▪ ma

A situation in which a difficult choice has to be made between two courses of action, either of which entails transgressing a moral principle

“he is faced with an ethical dilemma: leave his post to help save his father’s life, or follow his sense of duty”

Conflict of Interest

con ▪ flict of in ▪ ter ▪
est

A situation in which the concerns or aims of two different parties are incompatible

“the conflict of interest between elected officials and corporate lobbyists”



Remember

If you practice as a hearing healthcare professional, you ***immediately*** accept professional liability and are ***responsible for upholding*** professional ethics

What are *Codes* of Ethics?

Written, **formal** statements of what an organization expects in the way of ethical behavior



moral, in
ethics n.
never a

Why are Codes of Ethics Important to a Profession?



Why are Codes of Ethics Important to a Profession?

Proper discharge of audiologists' responsibilities to those served

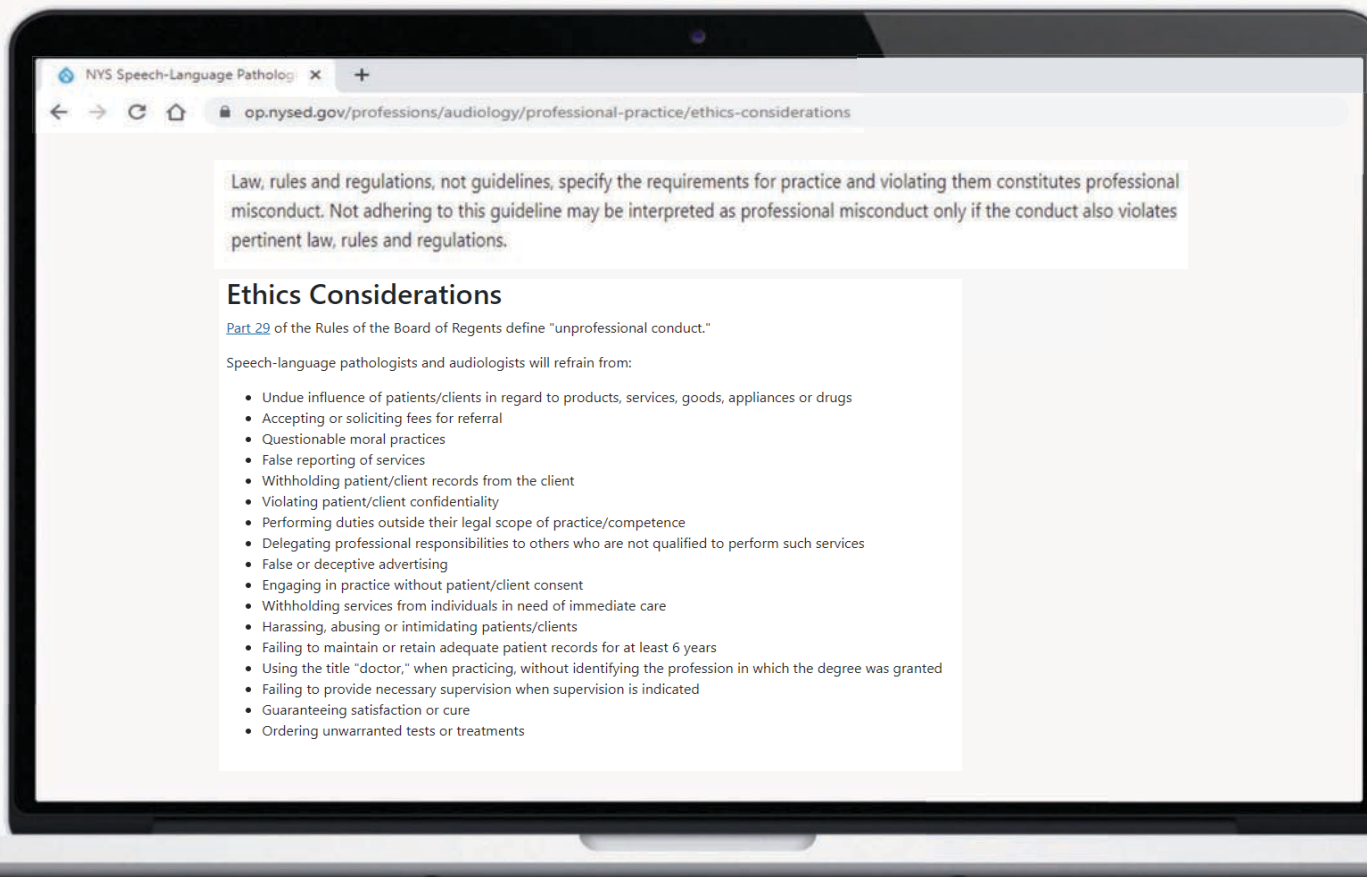
To protect the integrity of the profession





State Codes of Ethics





<https://op.nysed.gov/professions/audiology/professional-practice/ethics-considerations>



Ethics

Values

Morals

Laws

Policies



Codes vs. Laws

A photograph of a judge in a courtroom. The judge is an older man with a white beard, wearing a dark suit and a white shirt. He is looking down at a wooden gavel that is resting on a wooden surface. The gavel has a dark wooden head and a brass band. The background is blurred, showing the interior of a courtroom with wooden paneling and a lamp.

Laws

System of rules that a particular country or community recognizes as regulating the actions of its members and may be enforced by the imposition of penalties

Codes and Laws

Similarities

Patient Protection
Maintenance of Competency
Professional Relationships
Impaired Practice
Conflict of Interests
Billing Issues
Reporting Violations

Codes and Laws Differences

Codes

Ethics related to students
Relationship to manufacturers
Relationship to research

Laws

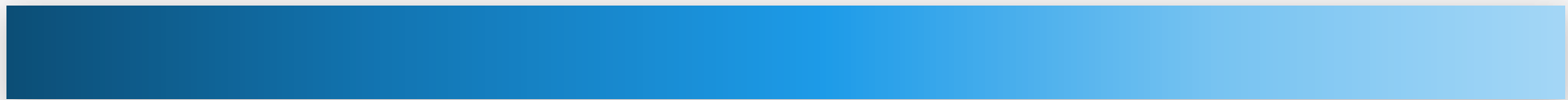
Unlicensed practice
Practicing outside the scope
of licensure
Convictions (post licensure)



**Illegal
Unethical**

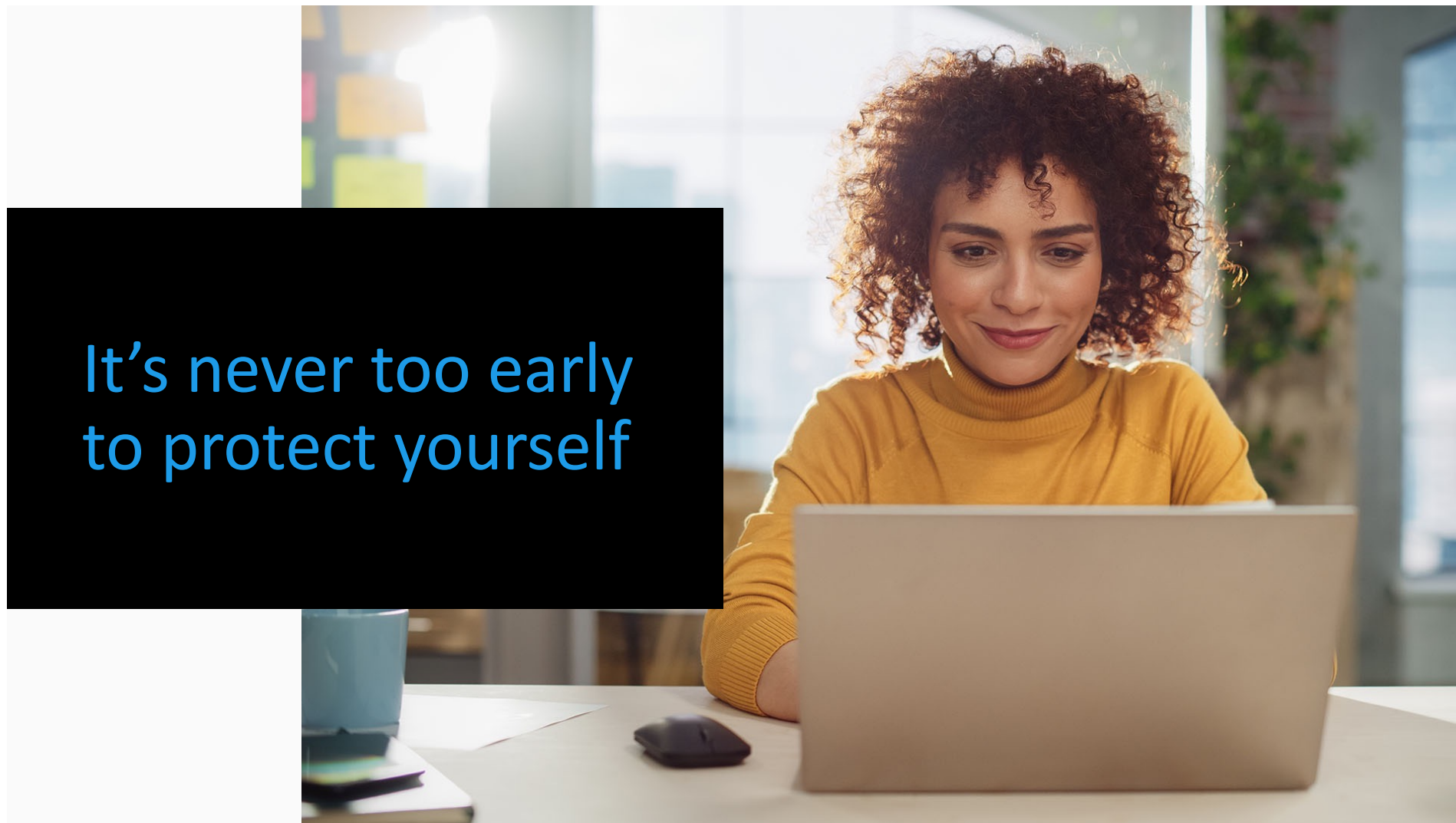
**Ethical
Dilemma**

**Legal
Ethical**



**Are You Facing
an Ethical Dilemma?**

It's never too early
to protect yourself



Ethical Dilemma or Legal Issue?



Quid Pro Quo

A hearing professional rents office space from a physician and pays rent based on the number of referrals of Medicaid patients

Ethical Dilemma or Legal Issue?

Federal Anti-Kickback Statute

Confidentiality

The patient signs the practice's confidentiality statement

The practitioner shares information with the buying group and manufacturer

The buying group sells the patient's contact information to a third party

As a result, the patient receives marketing literature from the third party and complains to the practitioner

Ethical Dilemma or Legal Issue?

The IHS should not be held to professional standards if the information is used for the personal or professional benefit of the patient or as the law demands....

– AAA Code of Ethics

– Code of Ethics, IHS

Accepting Gifts

You're at the national conference for hearing healthcare professionals

In the exhibit hall, a technology manufacturer is offering a voucher for a free flight (up to \$350 value) for attendees who purchase a specific amount of product today

You are considering whether to do this since you use their product anyway

Ethical Dilemma or Legal Issue?

“Acceptance of gifts in excess of \$50 by a member of the American Academy of Audiology from any company that manufactures or supplies products that he or she professionally uses or recommends, may compromise, or give the appearance of compromising, the audiologist's ability to make ethical decisions, and should be avoided.”

– AAA Code of Ethics

Research

A hearing professional is offered \$5,000 by a manufacturer to work as a consultant, conducting research on the effectiveness of a new noise management algorithm

The hearing professional doesn't reveal in presentations and publications that they were paid by the manufacturer

Ethical Dilemma or Legal Issue?

Individuals shall inform colleagues and the public in an objective manner consistent with professional standards about products and services they have developed or research they have conducted and for which they have accepted payment...

– AAA Code of Ethics

Ethical, Legal,
or Moral



As long as you have patient consent to use their comments, I don't see an issue

Yes, if the patient has provided consent

I would think it's ethical as long as you have the patient's permission

You need to get written consent from your patients and you can only share what they are willing to allow you to share

Situation 1

I am creating a website for my audiology practice.

Can I post testimonials and laudatory comments from my clients on the site to market my practice?

I think this is discriminatory, there are other agencies who will allow for funding for low-income families as long as they meet specific criteria

Yes to the sliding fee schedule; however, you need to document how you determined the fee scale and eligibility requirements (*e.g. patients without insurance, income, etc.*).

I don't know that it is "unethical" by definition, but it **IS** discriminatory. So, I would not choose to do so

This is a discriminatory practice unless a process is set in place

Situation 2

I have a private practice

Can I establish a sliding fee scale to help clients from low-income families afford my services while maintaining my regular fee structure for all other clients?

Someone suggested that this would be discriminatory?

I would not withhold a client's file, this is unethical and you are required to provide records as long as the patient has signed the appropriate forms

You cannot withhold records from the patient, their designated representative, or from a treating physician who has provided an authorization for records even if the patient has an outstanding balance

No, they are separate issues and you can't withhold someone's "medical records"

The rule is you must provide records to the patient and/or doctors in a timely manner and you can only charge an appropriate fee for time, etc.

Situation 3

Can I refuse to provide a client's file and records to another provider or doctor until the client has first fully paid his bill for my services?

I don't think I will get paid otherwise

If there is no rule from your office explicitly saying don't date patients, I don't see a problem with dating him

I think it's unethical to date a patient you are actively caring for

I don't think in terms of our profession it would be unethical like it would be with therapy

It's really a matter of how you look at the situation

Situation 4

One of my clients has asked me if I would go out on a date with him

I think that may be a problem, but I don't know

He's nice and I am attracted to him

Yikes, I don't know what to do!



Let's Get Practical

Ethics in Audiology Case Studies

Case Study 1

Front Staff asks you to see an adult patient with severe cognitive impairment

Patient is non-verbal, non-communicative and has a history of cerumen blockage and external otitis media

As a seasoned clinician, you know this will be a “difficult” patient



Case Study 1

What would *you* do?

- A** Tell Front Staff to postpone the appointment time in hopes that the patient will go elsewhere
- B** Tell Front Staff to allow extra time for the appointment
- C** Refuse to see the patient



AAA

Members shall provide professional services and conduct research with honesty and compassion, and shall respect the dignity, worth, and rights of those served

Code of Ethics Rule 1:a

ASHA

Individuals shall honor their responsibility to hold paramount the welfare of persons they serve professionally

Principle of Ethics 1

IHS

The IHS member shall not delay furnishing care to patients served professionally, without just cause

Code of Ethics Section I:h





Case Study 2

You work in an adult-only clinic and someone calls to ask if you can test their 2 year old

You have no experience testing children



Case Study 2

What would *you* do?

- A** Use your clinical knowledge to “wing it”
(after all, how hard could it be?)
- B** Refer the patient to a pediatric clinic
- C** Schedule the appointment and then use your own child to practice on before the appointment



AAA

Code of Ethics Principle 2

Members shall maintain the highest standards of professional competence in rendering services

Code of Ethics Principle 2



ASHA

American
Speech-Language-Hearing
Association

ASHA

Individuals shall use every resource, including referral and/or interprofessional collaboration when appropriate, to ensure that quality service is provided

Principle of Ethics 1:b



IHS

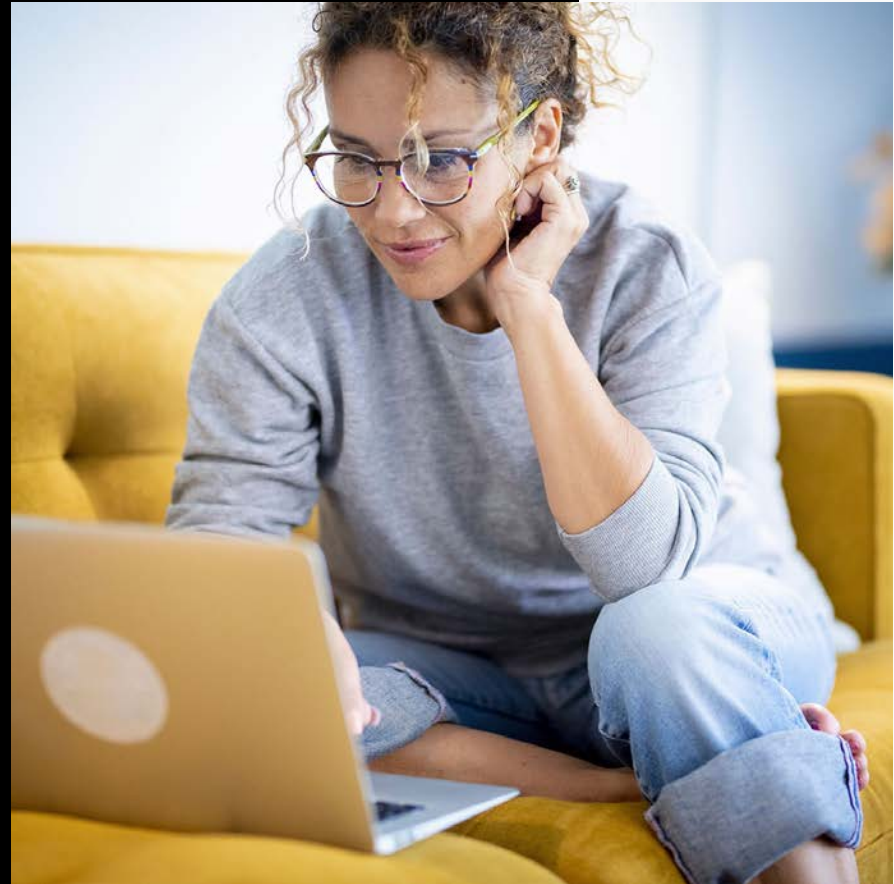
The IHS member shall utilize all resources available, including referral to other specialists as needed

Code of Ethics Section I:b

Case Study 3

Daughter is asking for information about her mother's (your patient) hearing aid fitting

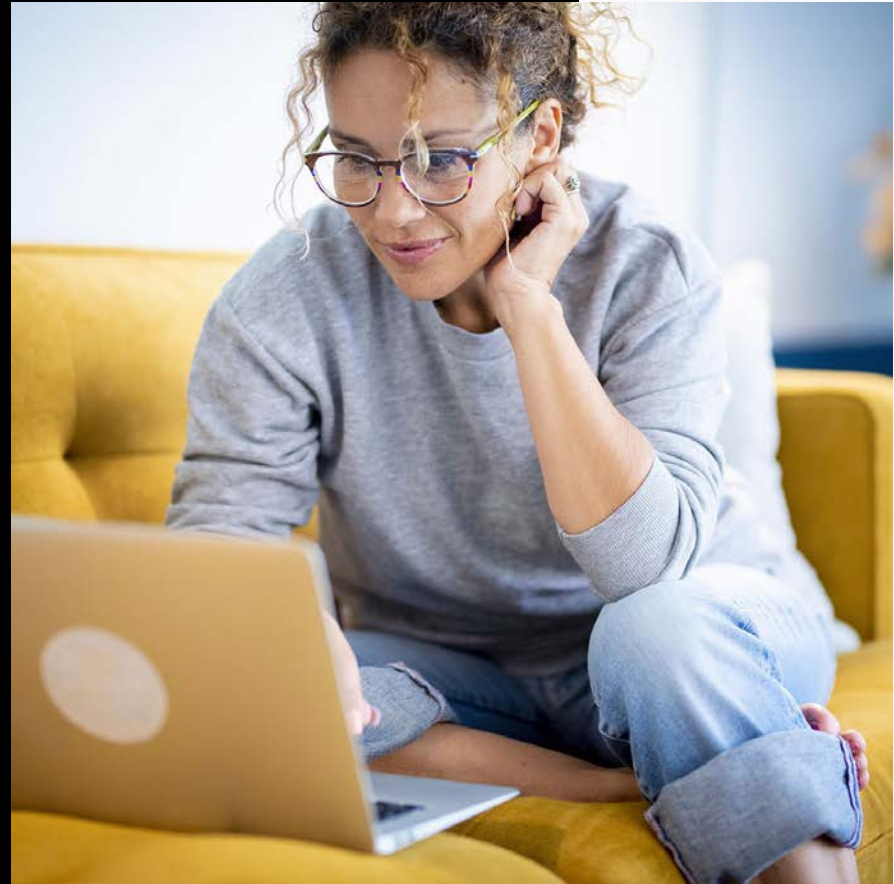
You have no signed document allowing you to share ANY information with anyone other than the patient



Case Study 3

What would *you* do?

- A** Refuse to speak with the daughter
- B** Ask the daughter to bring back a signed authorization to share the patient's information
- C** Ask the daughter to elaborate on *why* she needs the information and make an informed decision from there



AAA

Members shall maintain the confidentiality of the information and records of those receiving services or involved in research

Code of Ethics Principle 3

ASHA

Individuals shall protect the confidentiality and security of records of professional services provided, research and scholarly activities conducted, and products dispensed

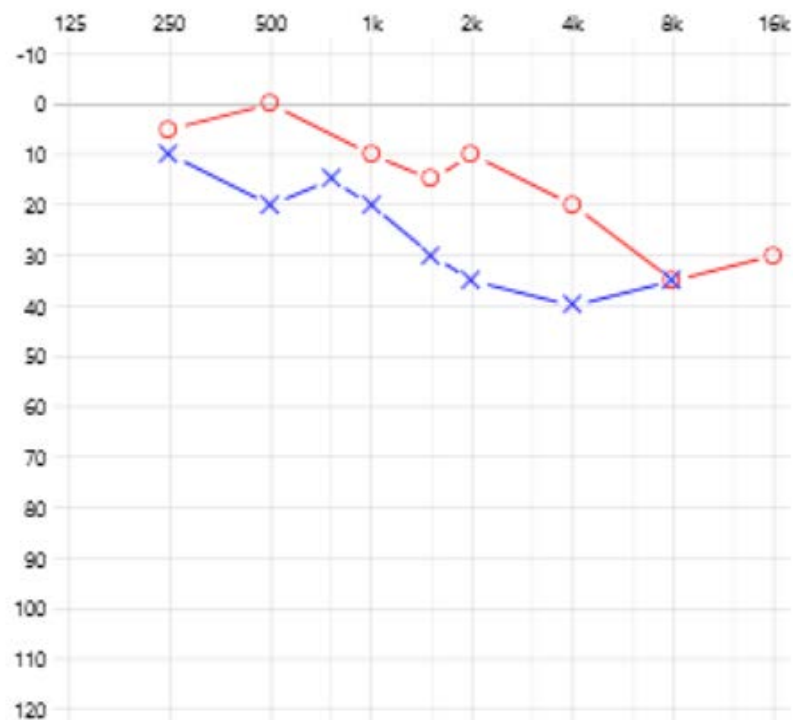
Principle of Ethics 1:0

IHS

The IHS member shall hold in professional confidence all information and professional records concerning a patient and use such data only for the benefit of the patient or as the law demands

Code of Ethics Section I:d

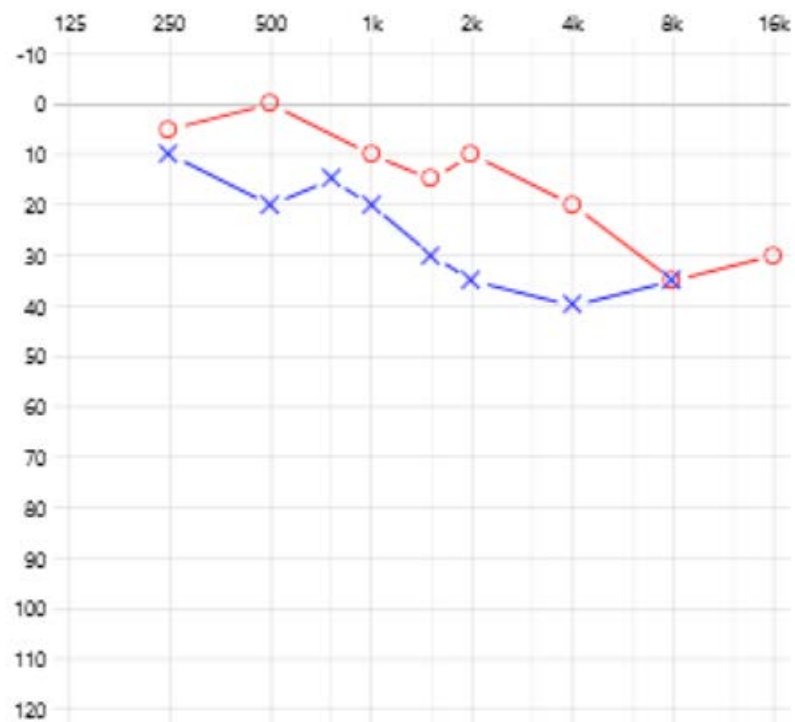




Case Study 4

Would you fit this patient
monaurally or **binaurally**?

What would you do?



Case Study 4

Would you fit this patient

A) Monaurally

B) Binaurally



AAA

Members shall provide only services and products that are in the best interest of those served

Code of Ethics Principle 4



ASHA

American
Speech-Language-Hearing
Association

ASHA

Individuals who hold the Certificate of Clinical Competence shall evaluate the effectiveness of services provided, technology employed, and products dispensed, and they shall provide services or *dispense products only when benefit can reasonably be expected*

Principle of Ethics 1:k



IHS

The IHS member shall not guarantee outstanding results from the use of hearing instruments, products, services, or counseling when such is not the case. He/she shall exercise caution not to mislead persons to expect results that cannot be predicted

Code of Ethics Section I:c

Case Study 5

You notice that the Marketing department has mistakenly printed your name as Jane Doe, ***PhD***, Audiologist

You are an ***AuD, MA or HIS!***
What do you do? It's not YOUR mistake, it's the Marketing Department's mistake



Case Study 5

What would *you* do?

- A** Leave it alone
(it will be expensive to change it)
- B** Contact the marketing department and ask them to change it for the next run of advertising
- C** Insist that changes be made to advertising immediately



AAA

Individuals shall not misrepresent their educational degrees, training, credentials, or competence. Only degrees earned from regionally accredited institutions in which training was obtained in audiology, or a directly related discipline, may be used in public statements concerning professional services.

Code of Ethics Principle 6:a

ASHA

Individuals shall not misrepresent their credentials, competence, education, training, experience, and scholarly contributions.

Principle of Ethics 3:a

IHS

It shall be unethical to use such terms or any abbreviation of such terms as doctor, physician, otologist, board certified in hearing instrument sciences, audioprosthologist, clinical audiologist, medical audiologist, research audiologist, industrial audiologist, or any other title/abbreviation when such is not the fact. When holding a doctorate or other degree from a profession other than hearing sciences, delineation of such credential shall be required.

Code of Ethics Section 5:b





Case Study 6

A clinician is married to a sales representative for We-R-Ears

She *ONLY* sells We-R-Ears hearing instruments to boost her spouse's income

As a favor, she asks her colleague to do the same



Case Study 6

What would *you* do?

- A** Grant the favor and sell only We-R-Ears products
- B** Make We-R-Ears your primary line of product but use other manufacturers for niche products
- C** Offer We-R-Ears as a product offering only when appropriate for the patient's needs
- D** Avoid selling We-R-Ears products in an effort to avoid a potential breach of Ethics on your part



AAA

Individuals shall not limit the delivery of professional services on any basis that is unjustifiable or irrelevant to the need for the potential benefit from such services.

Code of Ethics Principle 1:a



ASHA

Individuals shall use every resource...
to ensure that quality service is provided.

Principle of Ethics 1:b



IHS

He/she shall not agree to practice under terms or conditions which tend to interfere with or impair the proper exercise of his/her professional judgment and skill, which tend to cause a deterioration of the quality of his/her service, or which require him/her to consent to unethical conduct.

*Code of Ethics
Section 1:e*

Case Study 7

A patient confides in you that her friend had gotten hearing aids from Mr. Jones, of XYZ Hearing Aids, and was displeased with them

She had heard that Mr. Jones had been reported to the State License Board and wants to know what you have heard about that practice

You have heard rumors about Mr. Jones's practice but have not had any dealings with him personally



Case Study 7

What would *you* do?

- A** Relay information to your patient that you **KNOW** to be factual
- B** Refer your patient and her friend to the State Board website
- C** Tell your patient that you are not at liberty to discuss a fellow professional



AAA *Code of Ethics Principle 2*
Not specifically mentioned

ASHA

Individuals shall not engage in any form of conduct that ***adversely reflects on the professions*** or on the individual's fitness to serve persons professionally.
Principle of Ethics IV:d

IHS

The IHS member shall not pursue any course of action that may be harmful or detrimental to the Society, its members, or the public we serve.
Code of Ethics Section 2:b





Code of Ethics

***Procedures for Management
of Alleged Noncompliance***



AAA

Individuals shall inform the Ethical Practices Committee when there are reasons to believe that a member of the Academy may have been in noncompliance with the Code of Ethics.

Code of Ethics Principle 8:c



ASHA

Individuals with evidence that the Code of Ethics may have been violated have the responsibility... to inform the Board of Ethics through its established procedures.

Principle of Ethics IV:m



IHS

In the event it appears that an IHS member is in violation of this Code, fellow IHS members are encouraged to report circumstances to IHS.

Code of Ethics Section 2:a



**COMPLAINT FORM FOR ALLEGED
NONCOMPLIANCE WITH THE AAA CODE OF ETHICS**

DATE: _____

COMPLAINANT (Individual filing the complaint - *required*):

Name: _____

Company Name: _____

Address: _____

City, State, Zip: _____

Primary Telephone: _____ Alternate telephone: _____

Primary Email: _____ Alternate Email: _____

RESPONDENT (Individual against whom the complaint is directed – *provide all known information*):

Name: _____

Company Name: _____

Address: _____

City, State, Zip: _____

Primary Telephone: _____ Alternate telephone: _____

Primary Email: _____ Alternate Email: _____

In filing this complaint, I understand that:

- the complaint must be in writing and signed and must include any/all supporting documentation;
- anonymous complaints are not permitted;
- a complaint against an organization/employer is not permitted. An individual person must be named as Respondent.
- the Chair of the EPC may communicate with other individuals, agencies, and/or programs for additional information as may be required for Committee review during case deliberation.

COMPLAINANT SIGNATURE: (Check all the boxes below and sign)

- ☐ I have read the Academy [Code of Ethics](#) and cited the Principle(s) and/or Rule(s) that are allegedly in noncompliance by the member.
- ☐ I have enclosed a written letter summary of the facts on which this complaint is based.
- ☐ I have enclosed supporting documentation that corroborates and supports the allegations in the complaint.
- ☐ If this complaint was also filed with another organization (e.g., academic institution, licensing board, etc.), I have enclosed correspondence related to this filing, including current status/final resolution.
- ☐ I have attached or request a signed [Waiver of Confidentiality](#) to allow disclosure of my name and complaint details, which can be downloaded from.
- ☐ I affirm that the statements and information in this complaint are correct, complete, and truthful to the best of my knowledge and belief.

Signature of Complainant: _____ Date: _____

Note to Complainants who are Academy members: It is the duty of all Academy members to come forward with evidence of perceived noncompliance with the Code of Ethics. However, each Academy member should be mindful of his or her professional obligation regarding confidentiality and possible sanctions for abuse of complaint procedures. Your signature above signifies that the complaint is brought to the Ethical Practices Committee in good faith and not for the purpose of resolving private, business, legal, or other disputes for which more appropriate forums exist.

Send completed and signed complaint form and accompanying documentation to:

American Academy of Audiology
Chair, Ethical Practices Committee
11480 Commerce Park Dr., Suite 220
Reston, VA 20191
ethics@audiology.org

Office Use Only:

Respondent's Membership status verified? Yes _____ No _____
Respondent's AAA Member ID #: _____
AAA Case #: _____

1
STEP

Someone submits a complaint

2
STEP

The Ethical Practice Committee (EPC) will review the complaint and see if there is merit to it

3
STEP

If case proceeds, a waiver of confidentiality will be signed by the complainant allowing his/her name to be used in the investigation, if necessary

4
STEP

If evidence is sufficient to proceed, the violating member will be forwarded a "Notification of Potential Ethics Concern"

5
STEP

Member must respond to the allegations within 30 calendar days

6
STEP

EPC meets to discuss the rebuttal

7
STEP

Either: The case is found to be insufficient **OR** Code noncompliance is discovered, and sanctions will be issued

8
STEP

Sanctions depend on the severity of the noncompliance

9
STEP

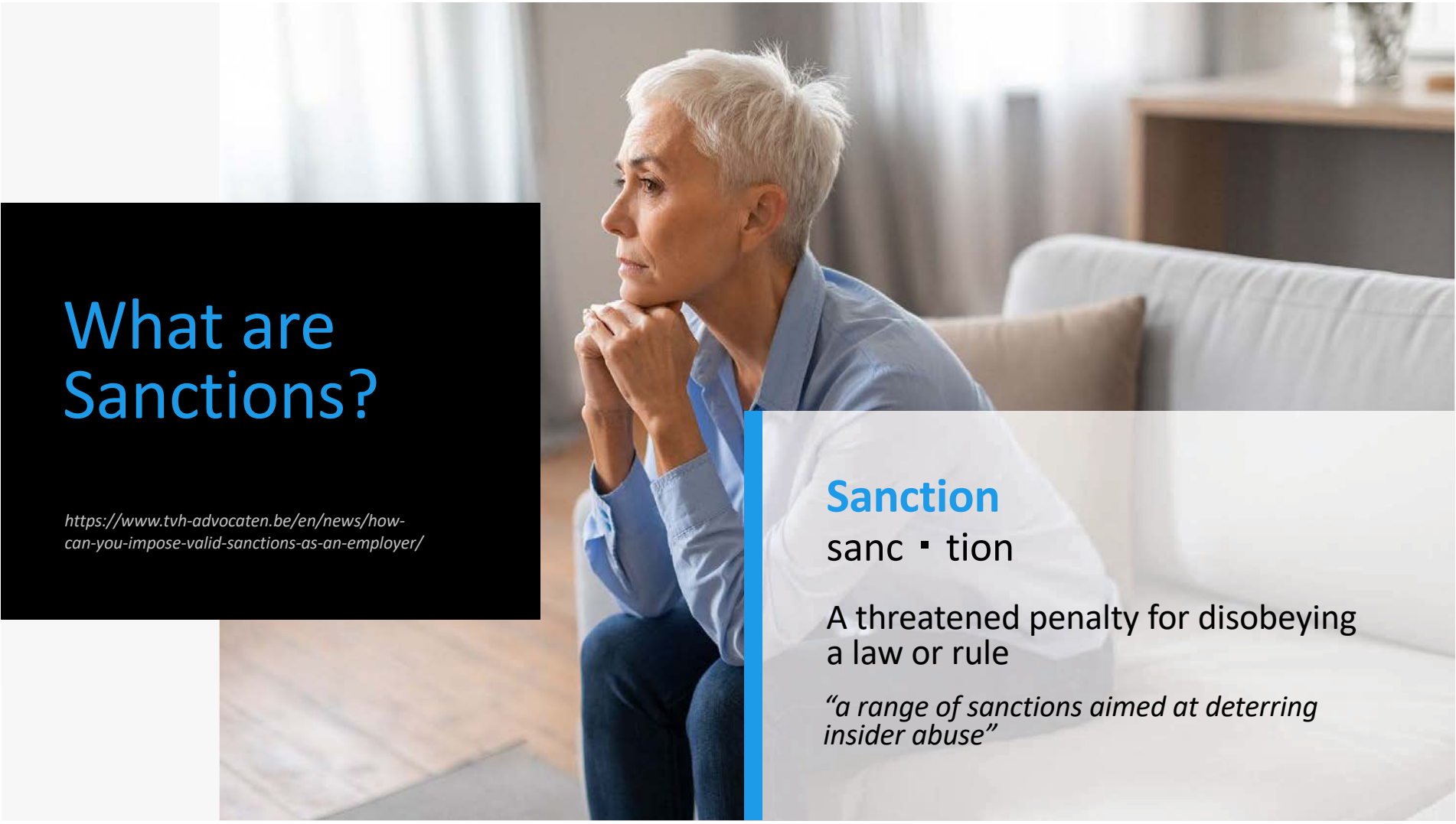
All decisions and sanctions will be communicated to the member, in writing

10
STEP

The Member may appeal to the Ethical Practices Committee of the Academy Board of Directors

11
STEP

The EPC chair is in charge of scheduling the appeal with the Board of Directors



What are Sanctions?

<https://www.tvh-advocaten.be/en/news/how-can-you-impose-valid-sanctions-as-an-employer/>

Sanction

sanc ▪ tion

A threatened penalty for disobeying a law or rule

“a range of sanctions aimed at deterring insider abuse”



Possible Sanctions Employer

Verbal Warning

Written Warning

Suspension without pay

Termination

<https://www.tvh-advocaten.be/en/news/how-can-you-impose-valid-sanctions-as-an-employer/>







Possible Sanctions Texas State Board TDLR

Warning

Revocation of Licensure

Fines up to \$5000

(depending on severity of violation)

<https://www.tdlr.texas.gov/enforcement/ceos/sanctions.htm>



Possible Sanctions Professional Organizations

Educative letter

Mandatory Continuing Education

Revocation of membership

<https://www.audiology.org/sites/default/files/publications/resources/201910-CodeOfEthicsOf-AAA.pdf>

Rationale

Received a felony conviction in the U.S. District Court for the Eastern District of Virginia, Richmond Division, of One count of theft of public money, for accepting disability benefits while failing to report her income

Failed to respond to correspondence from ASHA Ethics regarding the complaint of alleged violation

Code (2010r)

IV, IV-A, IV-C, IV-N

Sanction

Withholding of membership and certification for 24 month effective August 17, 2018

Example Documented Violations and Sanctions

Example

Documented Violations and Sanctions

Rationale

Pled guilty in Florida criminal court to the felony of fraud in his practice of hearing aid sales, including falsifying sales contracts and misrepresenting products dispensed; convicted in Florida criminal court for diverting patient payments to a personal account; denied in writing to the ASHA Board of Ethics that he had been convicted of any offense and had withheld relevant criminal court documents; and failed to self-report his conviction in Florida criminal court to ASHA Standards & Ethics

Code (2016)

I, I-Q, III, III-B, III-D, III-G, IV, IV-D, IV-E, IV-P, IV-Q, IV-R, IV-S

Sanction

Withholding of membership and certification for 5 years effective December 5, 2019

Rationale

Convicted of a misdemeanor in the first degree for possession of heroin in Ohio and provided false information regarding these charges to the Ohio Board of Speech-Language Pathology and Audiology; failed to self-report the misdemeanor conviction or the professional discipline she received from the Ohio Board to ASHA Standards and Ethics; and failed to respond to correspondence from ASHA Ethics regarding the complaint of alleged violation

Code (2016)

IV, IV-D, IV-E, IV-P, IV-S, IV-T

Sanction

Withholding of membership and certification for 5 years effective August 17, 2018

Example Documented Violations and Sanctions

What To Do When in Doubt About Whether a Violation has Occurred

<https://www.michiganstateuniversityonline.com/resources/leadership/how-to-respond-to-an-ethical-dilemma>

Repeat back and clarify

Ask questions

Focus on the other person's
best interest

Suggest an alternative course
of action

Escalate

Blow the whistle

Leave, if necessary

Do's and Don'ts for Speaking Up

DO

- ✓ Question your assumptions
- ✓ Gain perspective
- ✓ Have a conversation

DON'T

- ✗ Forge ahead without a plan
- ✗ Make accusations

Remember

If you practice as a hearing healthcare professional, you ***immediately*** accept professional liability and are ***responsible for upholding*** professional ethics.



To Learn More

American Academy of Audiology

<https://www.audiology.org/>

American Speech and Hearing Association

<https://www.asha.org/>

International Hearing Society

<http://ihsinfo.org/lhsV2/Home/Index.cfm>

For additional examples of Ethics complaints

<https://www.asha.org/practice/ethics/ethics-inquiries/>



Thank You

