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| <p>Become an Advocate for Ethics in the SNF Setting</p> <p>Presenter: Rachel Wynn, M.S., CCC-SLP</p> <p>Moderated by: Amy Natho, M.S., CCC-SLP, CEU Administrator, SpeechPathology.com</p> | |

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Peer Review Process**Interested in Volunteering to be a Peer Reviewer?****APPLY TODAY!****3+ years SLP Professional Experience Required****Contact Amy Natho at anatho@speechpathology.com****Become an Advocate for Ethics in the SNF Setting**Rachel Wynn, MS CCC-SLP
Gray Matter TherapyFor SpeechPathology.com
Thursday, January 22, 2014**Objectives**

1. Learners will be able to describe common ethical dilemmas in the SNF setting.
2. Learners will be able to utilize their company's internal documents in order to advocate for ethical care.
3. Learners will be able to utilize external documents in order to advocate for ethical care.
4. Learners will list their role and responsibilities in advocating for ethical, quality eldercare.

Who am I?

- SLP is not my first career.
- I am passionate about geriatric care.
- I am a healthcare advocate.

Why am I an Advocate?

- I'm a granddaughter and a daughter.
- Elders deserve great care.
- All people should be respected.
- Taxpayer money covers most of the care we provide.

Not a Blame Game

- This presentation isn't about identifying "good" rehab companies and "bad" rehab companies.
- This presentation is about what YOU can do NOW to advocate for ethical care.

THE ETHICAL DILEMMAS

Medical Necessity

- Too much therapy
- Too little therapy
- Potential for improvement
- Treating the diagnosis, not the patient.

Billing & Documenting

- Point of Service
- Up-coding
- Falsifying records

Informed Consent

- Treatment
- Goals directed by patient

Evaluations

- Inappropriate use of screens and evaluations
- 15 minute evaluations

Labor Law Violations

- Working off the clock
- Breaks

THE SOLUTIONS

Therapists

- You are the expert
- Speak up and document
- Follow the chain of command

Must Consider:

Are you competently providing therapy services?

Associations

- Consensus document was a great start
- Squeaky wheel
- Set a trigger

Must Read:

ASHA's Mission Statement

ASHA's Mission Statement

- *"Empowering and supporting audiologists, speech-language pathologists, and speech, language, and hearing scientists through:*
 - *advancing science,*
 - *setting standards,*
 - *fostering excellence in professional practice, and*
 - *advocating for members and those they serve."*

<http://www.asha.org/about/>

Managers

- Find supporters who have talked to managers about specific situations before
- Validate their stress and frustration
- Collaborate on solutions
 - Not us versus them

Must Read:

Crucial Conversations Tools for Talking When Stakes Are High
by Patterson

National Labor Relations Act

The NLRA provided employees with rights including:

- The right to form or join unions or labor organizations
- The right to collective bargaining
- The right to participate in concerted activity with coworkers for mutual benefit or protection
- The right to not participate in union activities

Compliance Hotlines

- Often 3rd party & anonymous
- Confidential
- Protection for the reporter

Must Read:

Code of Conduct or
Employee Handbook

Medicare Fraud Hotline

- Anonymous
- Confidential
- Whistleblower protection

Must Read:

False Claims Act Primer

Department of Labor

What to report:

- Hours worked off the clock
- Employer refusal for breaks

Each state has their own department of labor

Must Read:

Code of Conduct or
Employee Handbook

Professional Associations

To report ethics violation committed by a specific therapist:

- Occupational Therapists & Assistants
 - AOTA has an online form
- Physical Therapists & Assistants
 - APTA state chapter
- Speech-language pathologists
 - ASHA has instructions online
 - <http://www.asha.org/Practice/Ethics/Filing-a-Complaint-of-Alleged-Violation/>

Must Read:

Professional Associations' Code of Ethics

Licensing Board

Each state has a different process.

Must Read:

Your state's practice act for the discipline of the therapist in question

Tough Questions

What if you can't effect change in your workplace?

Should you quit?

Should you report your supervisor to the national association and licensure board?

Should you work off the clock in order to provide your patients with the best?

Do you want ethical decision making restored to the SNF setting?

It's up to you.

References & Resources

- Code of Conduct or Employee Handbook (specific to your company)
- The False Claims Act: A Primer. (n.d.). Retrieved October 18, 2014, from http://www.justice.gov/civil/docs_forms/C-FRAUDS_FCA_Primer.pdf
- Goff Sanders, L., & McCutcheon, A. (2010). Unions in the Healthcare Industry. *Labor Law Journal*, 61(3), 142-151.
- National Labor Relations Act. (n.d.). Retrieved October 18, 2014, from <http://www.nlrb.gov/resources/national-labor-relations-act>
- Patterson, K. (2012). *Crucial conversations tools for talking when stakes are high*, second edition (2nd ed.). New York: McGraw-Hill.
- Providers: Partners in the Fight against Fraud. (n.d.). Retrieved October 18, 2014, from <http://www.stopmedicarefraud.gov/forproviders/index.html>

National Association Resources

National Association Mission Statements

- About AOTA. (2014, January 1). Retrieved from <http://www.aota.org/AboutAOTA.aspx>
- Policies & Bylaws: Goals & Missions. (2014, February 14). Retrieved from <http://www.apta.org/Policies/GoalsMissions/>
- About the American Speech-Language-Hearing Association (ASHA). (2014, January 1). Retrieved from <http://www.asha.org/about/>

National Association Code of Ethics

- American Occupational Therapy Association (2010). *Occupational Therapy Code of Ethics and Ethics Standards*. Available from <http://www.aota.org/Practice/Ethics.aspx>
- American Speech-Language-Hearing Association. (2010r). *Code of ethics [Ethics]*. Available from www.asha.org/policy
- Code of Ethics for the Physical Therapist. (2013, January 1). Retrieved from <http://www.apta.org/Ethics/Core/>
