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May 2015

What Now? Resolving Ethical Dilemmas

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You are working at a skilled nursing facility and the rehabilitation manager has informed you that you must meet a 92% productivity standard and must keep at least two Medicare Part A patients on your caseload at all times.

www.seaburylife.com (via google images)

You are a school-based SLP in a district that bills Medicaid. A colleague has recently been complaining about her paperwork and you start to question the accuracy of her Medicaid records.

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www.pbs.org (via google images)

Nondisclosure statements

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- ▶ Lissa has a financial relationship with speechpathology.com for this presentation.
- ▶ She presenter has no financial relationships with any products or services described, reviewed, evaluated or compared for this presentation.
- ▶ Lissa is a member of the American Speech-Language-Hearing Association Board of Directors. She is serving as the Vice President of Standards and Ethics in Speech-Language Pathology (2014 – 2016).

After completion of the workshop, participants will be able to:

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1. Explain the four Principles of Ethics of the ASHA Code of Ethics
2. Contrast ethical requirements with legal requirements
3. Describe an ethical decision-making model
4. Apply an ethical decision-making model to construct alternative resolutions to ethical dilemmas

Agenda

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- ▶ Ethical principles
- ▶ ASHA Code of Ethics
- ▶ Opportunity for questions
- ▶ Ethical Decision-making model
- ▶ Opportunity for questions
- ▶ Application of decision-making model to common ethical concerns raised to the ASHA Board of Ethics

ASHA Code of Ethics

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- ▶ Participants are requested to download /print the Code of Ethics to use as a resource during this presentation
http://www.asha.org/about/ethics/#_ga=1.238495808.1108990408.1427243354

Ethics examines human conduct to focus on rightness or wrongness of actions.

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www.slate.com (via google images)

Applied ethics includes a description of the “conduct of individuals and groups, so as to prevent and resolve moral problems.”

Horner, 2003

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Why should we be ethical?

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www.esterline.com (via google images)

As professionals who serve the public, we have a **duty** to conform to certain standards.

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Commons.wikipedia.com

We are obliged to maintain **fidelity**, a faithfulness to our commitments.

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www.Misstep.org (via google images)

Our behavior is expected to exhibit **beneficence**, our actions should benefit others

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visitmuncie.org (via google images)

We should adhere to concept of **nonmaleficence**

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www.beyondmed.com (via google images)

Misconduct may be either
intentional or **negligent**.

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Professional codes of ethics
are a profession's "**contracts**
with society"

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mayrsom.com (via google images)

ASHA Code of Ethics 2010

Preamble

- ▶ The preservation of the highest standards of integrity and ethical principles is vital to the responsible discharge of obligations.
- ▶ The Code of Ethics sets forth the fundamental principles and rules considered essential to this purpose.

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<http://www.asha.org/policy/ET2010-00309.htm>

The ASHA Code of Ethics is
planned for revision

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ASHA Code of Ethics: Principles of Ethics 19

- | | |
|-----|---|
| I | Individuals shall honor responsibility to hold paramount the welfare of persons they serve professionally ... |
| II | Individuals shall honor their responsibility to achieve and maintain the highest level of professional competence and performance |
| III | Individuals shall honor their responsibility to the public by promoting public understanding of the professions, by supporting the development of services designed to fulfill the unmet needs of the public, and by providing accurate information in all communications involving any aspect of the professions ... |
| IV | Individuals shall honor their responsibility to the professions and their relationships with colleagues, students and members of other professions and disciplines |

Principle I: Welfare of the Person 20

- ▶ Provide services competently
- ▶ Use every resource, including referral, to ensure high quality service is provided
- ▶ Shall not discriminate
- ▶ Shall not misrepresent credentials of persons under supervision
- ▶ Shall not delegate tasks that require unique skills
- ▶ Shall not guarantee results

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- ▶ Maintain and secure records
- ▶ Shall not reveal professional or personal information without authorization
- ▶ Shall not charge for services not rendered
- ▶ Seek professional assistance if affected by substance abuse or health-related conditions, or, when appropriate, withdraw from practice
- ▶ Shall not discontinue services without reasonable notice
- ▶

Principle II: Professional Competence

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- ▶ Engage in provision of services only when hold appropriate CCC
- ▶ Engage in only those aspects of the professions that are within the scope of practice and individual competence
- ▶ Engage in lifelong learning
- ▶ Shall not permit staff to provide services or conduct research that exceed competence ...
- ▶ Ensure all equipment is in working order and properly calibrated
- ▶ ...

Principle III: Responsibility to the Public 23

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- ▶ Shall not misrepresent credentials, competence, education, ...
- ▶ Shall not participate in a conflict of interest
- ▶ Shall not refer based on personal interest
- ▶ Shall not misrepresent research, diagnostic information, services, results of service, products dispensed
- ▶ Shall not defraud in connection with payment, reimbursement, grants, research
- ▶ Shall adhere to professional standards in statements to the public
- ▶ ...

Principle IV: Responsibility to the Professions 24

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- ▶ Uphold the dignity and autonomy of professions
- ▶ Prohibit anyone supervised from violating Code of Ethics
- ▶ Shall not engage in dishonesty, fraud, deceit, misrepresentation
- ▶ Shall not engage in unlawful harassment
- ▶ Assign credit and reference sources appropriately
- ▶ Shall not discriminate in relationships
- ▶ Shall not file ethical complaints that disregard facts or use Code of Ethics for personal reprisal
- ▶ ...

The ASHA Code of Ethics
applies to certificate holders,
members, & applicants.

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“The value of professional
codes of ethics is not so
much that they exist, but
rather that they are
practiced.”
Joe Helmick

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Quote from Pannbacker, Middleton And Vekovius, (2007).
[Ethical Practices In Speech Language Pathology And
Audiology.](#)

Image from franspianostudio.me via google images

Ethical dilemmas can be resolved through use of an ethical decision-making approach

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Model adapted from Chabon (2007), Irwin, et al (2007), Purtilo & Doherty (2011)

Image from nursetogether.com, via google images

The purpose is to create a “win-win” situation, through understanding the issues related to the situation and constructing a solution.

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Sueschade.com (via google images)

You wish to find an outcome that **resolves** the situation and **prevents** future similar situations.

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Wizardofthought.com (via google images)

Step 1: Get the Story Straight.

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Many ethical dilemmas stem from a lack of facts about a given situation and/or from failure to clearly explain the problem.

Step 2: Identify the nature of the problem: moral, legal/policy, and/or ethical

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paronline.com (via google images)

Are there any obligatory or impermissible actions?

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Scribsoft.com and dvinfo.net (via google images)

Step 3: Consult with reliable sources

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library.unc.edu (via google images)

Review pertinent laws/regulations related to licensure, special education, child abuse reporting, Medicaid and Medicare billing

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ihealthtran.com (via google images)

Investigate employer
policies and procedures

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uc.edu(via google images)

A key step is to discuss the
situation with a trusted,
knowledgeable
professional

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blog.atoshealthcare.com (via google images)

Step 4. Brainstorm a variety of courses of action, searching for “win-win” solutions

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Every action has a

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Benefit**Burden**

Imgkid.com (via google images)

There rarely is
a zero-risk
option.

BUPP AND HASSELKUS, 2012

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One option: Do Nothing

Doing nothing is making a decision
to take a particular course of action

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A long habit of not thinking a thing wrong gives it the superficial appearance of being right.

► Thomas Paine

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One option is to discuss and resolve the situation

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wiki.how.com (via google images)

Another option is to report
internally and/or to ethics
and licensure boards

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peel.police.on.ca (via google images)

When considering your
options, remember to ask
yourself – Do I know
everything I need to know
to take action? ...

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Could you be accused of
having a **vested interest**

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dreamstime.com (via google images)

Could you live with
yourself if you took
this action?

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.... If **did not** take any
action?

Would you get **consensus** regarding your actions from a trusted colleague?

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Pbs.org (via google images)

Step 5. Select one or more actions, that resolve the dilemma and prevent future similar actions (a “win-win”)

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studyandworkabroad.in (via google images)

Ethics Issues Raised to the ASHA Board of Ethics

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BUPP, 2012

- ▶ Documentation Lapses
- ▶ Employer demands
- ▶ Use and supervision of support personnel
- ▶ Clinical Fellowship Mentoring/ Student Supervision
- ▶ Client Abandonment
- ▶ Reimbursement for services
- ▶ Business competition ethics
- ▶ Practitioners with impairment
- ▶ Affirmative Disclosures

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1. Documentation Lapses

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- ▶ An SLP has an exceptionally heavy caseload and has challenges in managing her “to do” list. As child study committees and evaluations pick up, the following errors are noted:
 - ▶ Delays in completing reports and IEPs, exceeding special education timelines
 - ▶ Incomplete evaluations and IEPs

2. Employer demand: services without qualifications

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A private practice has hired a man with a bachelor's degree in communication sciences and disorders. The man is given a caseload of his own and the owner signs his paperwork.

2. Employer demands: Caseload

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The school caseload maximum in your state is 65. Your caseload has averaged 62 throughout the fall. In the spring, a large number of children are found eligible for speech-language impairment and your special education director tells you to pick them up on your caseload. Your caseload would reach 72.

2. Employer Demands - Services

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You work for a telepractice company with a contract with a rural school district.

One student is not making progress and you believe the student needs to be seen in person.

You share your concerns with the special education team and they ask you to continue to see the student because there is no SLP at that school.

3. Clinical fellowship supervision

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The CF is excited about working with her CF supervisor to learn from her expertise. The supervisor met with the CF during the first month of the CF.

In the last 4 months, the supervisor has not visited the CF, only infrequently responds to questions, and has not reviewed any of the CF's reports.

4. Client Abandonment

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One of your colleagues in your facility appears to enjoy her current employment, but has always talked about the "the job of her dreams." One Wednesday, she lets you know she just got "THE OFFER" and will be starting the following Monday.

5. Reimbursement – misuse of codes

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You have been serving a child with language delay who has had one bout with otitis media a year before starting services.

The billing clerk tells you she is billing under a hearing loss code.

6. Business ethics – gifts

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- ▶ You have been working with a young man who has made significant progress following a traumatic brain injury following an automobile accident. The family is extremely grateful for the work of the team.
- ▶ The family has offered a weekend trip to their cottage in the mountains to the OT, PT, and you.

7. Practitioners with impairment

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The SLP has been noted to arrive late and leave early with great regularity. She is often confused when speaking with her colleagues and her record-keeping is incomplete or inaccurate.

8. Affirmative Disclosures

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An SLP had a bad experience in a prior employment and lost her license to practice in another state. Eager to start over, she seeks employment in your facility.

She confides in you and tell you she did not disclose the license revocation in her application nor does she reveal it to ASHA.

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

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References and Resources 62

- ▶ American Speech-Language-Hearing Association. (2010). Code of Ethics [Ethics]. Available from www.asha.org/policy.
- ▶ ASHA Ethics web site: <http://www.asha.org/about/ethics/>
- ▶ ASHA Leader. Can They Make Me Do That? Is It Even Ethical? ASHA experts answer members' questions about sticky situations in billing Medicaid, Medicare and private health plans. *The ASHA Leader*, March 2015, Vol. 20, online only. doi:10.1044/leader.OV.20032015.np
- ▶ Brown, J. (2014, February) On the pulse: The push to preserve clinical judgment. *ASHA Leader*.
- ▶ Bupp, H. (2012, November 20). 9 Upsetting Dilemmas. *The ASHA Leader*.
- ▶ Bupp, H. & Hasselkuss, A. (2012). *Honoring Patient Choices: The ethical obligations of audiologists and speech-language pathologists*. Rockville, MD: ASHA web seminar.
- ▶ Chabon, S.S., Denton, D.R., Lansing, C.R., Scudder, R.R., Shinn, Jr., R.. (2007). *Ethics Education*. Rockville, MD: American Speech-Language-Hearing Association.

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- ▶ Covey, S.R. (2004). *The 7 Habits of Highly Effective People: Powerful lessons for personal change*. Franklin Covey.
- ▶ Denton, D. R. (2008, Oct). Intentional versus negligent conduct: A way to characterize ethics complaints adjudicated by the Board of Ethics. ASHA web site.
- ▶ Horner, J. (2003). Morality, ethics and law: introductory concepts. *Seminars in Speech and Language*. 24 (4):269-273.
- ▶ Huffman, N.P. (2003, October 7). Employers, employees and ethics. *The ASHA Leader*.
- ▶ Irwin, D., Pannbacker, M., Powell, T.W., Vekovius, G.T. (2007). *Ethics for Speech-Language Pathologists and Audiologists: An illustrative casebook*. Clifton Park, NY: Thomson Delmar Learning.
- ▶ Purtilo, R.B., Doherty, R.F. (2011). *Ethical dimensions in the health professions*. St. Louis: Elsevier Saunders.
- ▶ Schreck, J.S. (2015). A Bioethics Primer for Speech-Language Pathologists and Audiologists Working With Older Adults. *SIG 15 Perspectives on Gerontology*, January 2015, Vol. 20, 4-11. doi:10.1044/gero20.1.4
- ▶ Tonkovich, J.D. (2011). Ethical Challenges for Speech-Language Pathologists in the Long-Term Care Setting. *SIG 15 Perspectives on Gerontology*, July 2011, Vol. 16, 3-9. doi:10.1044/gero16.1.3
- ▶ Wagner, L.C.B. (2008). Dysphagia: legal and ethical issues in caring for persons at the end of life. *SIG 13 Perspectives on Swallowing and Swallowing Disorders (Dysphagia)*, March 2008, Vol. 17:27-32. doi:10.1044/sasd17.1.27

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You are one of
ASHA's 170,000
"Chief Ethics
Officers"

(Paul Rao, 2011)

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ASSUME YOUR ROLE WISELY.