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How Science Informs Ethical Decision-Making: Application to Case Studies

Lissa Power-deFur, PhD, CCC-SLP

continued

- Presenter Disclosure: Financial: Lissa Power deFur was paid an honorarium for this presentation. She teaches Ethics and Professional Issues at Longwood University. Nonfinancial: Lissa is a former member of the ASHA Board of Ethics and previous Vice President of Standards & Ethics in Speech-Language Pathology. Although not a neuroscientist, Lissa is fascinating by neuroscience and what it tell us about how we approach ethical dilemmas.

- Content Disclosure: This learning event does not focus exclusively on any specific product or service.

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Learning Outcomes

After this course, participants will be able to:

- Explain an ethical decision-making model.

- Identify strategies to use during the ethical decision-making process to improve the outcome.

- Describe how to apply the ethical decision-making process, with strategies for resolution, to ethical dilemmas.

Refresher from
"Ethical Decision-Making: What Science Tells Us About Approaching Ethical Dilemmas"

continuED

Kahneman's Nobel Prizing winning research (economics) about decision-making

System 1

- Operates automatically and quickly

- Involves little/no effort

- No sense of voluntary control

- Rapid, intuitive judgements

System 2

- Allocates attention to effortful mental activities

- Involved when concentrating

- Deliberative judgements

- System 1 lacks executive censorship – making us more prone to cognitive bias –

- So we need to engage System 2 for our best decision-making.

What does science tell us about influences on our decision-making?

- Limited cognitive capacity/cognitive strain
- Personal predispositions, preferences, and biases
- Confidence in our own knowledge
- Comfortable being comfortable

Influence of cognitive strain/busy-ness

- Our prefrontal cortex is less efficient and we are more likely to make poor decisions
  - Choices tend to be more selfish
  - Judgements tend to be more superficial

- May be triggered by:
  - Hunger, lack of sleep, a few drinks, fatigue, anxiety, difficult listening situations, a bad mood

Influence of personal predispositions, prejudices, and biases

- Over 100 cognitive bias phenomena can generate errors in our reasoning
  - Availability bias – most available information
  - Confirmation (anchoring bias) – opinion is formed, so new information confirms that opinion

Influence of confidence in our knowledge

- Kahneman's concept of What You See Is All There Is (WYSIATI) causes us to
  - Assume that what we know is all there is to know
  - Have higher levels of confidence than warranted
  - Fail to consider missing evidence

Influence of our comfort being comfortable

- Homogeneity in our lives leads to limited exposure to diverse ideas
- "Group think" – tendency to agree with the group

continued

Let's look at an illustrative decision-making process

- Step 1: Identify the ethical issue as legal and/or ethical

- Step 2: Gather information to explain the situation.
  - "Get the story straight."
  - Who has the authority in this situation?

- Step 3: Consult resources

- Step 4: Brainstorm solutions to resolve and prevent
  - Consider potential positive and negative outcomes

- Step 5: Select action

CONTINUED

How might our decision-making be influenced by cognitive strain? …biases? … confidence? …comfort?

- Step 1: Identify the ethical issue as legal and/or ethical
- Step 2: Gather information to explain the situation
- Step 3: Consult resources
- Step 4: Brainstorm solutions to resolve and prevent

continu eD®

What are indicators that you may be influenced by cognitive biases? WYASIATI thinking?

- Only attending to information that confirms your opinion

- Blaming outside factors for problems

- Assuming people share your opinions

- Assuming you know all you need to about a topic

- Reaching decisions quickly

CONTINUED

What steps can you take to improve your decision-making
(balancing Systems 1 and 2)

- Make decisions without cognitive strain

- Seek diverse ideas

- Don't rush to judgement

- Use checklists to ensure you have considered everything

- Be aware of your own biases and self-reflect

- Identify information that is/is not relevant

- Seek to understand others' point of view

Applying strategies to enhance
our decision-making to the
ethical decision-making
approach

continuED

Step 1: Is it an ethical or legal issue?

- Do we assume we "know" the Code of Ethics or do we review it?

- Similarly, do we assume we "know" the requirements (e.g., special education, HIPAA, Medicare) or do we review them?

CONTINUED

Step 2: Gather information to explain the situation

- What is the issue? What information is known? What is not known?

- How do we mitigate the influence of availability bias when we are first informed of the situation?

- … of confirmation bias if we have a prior opinion about the situation or the individuals involved?

- How can we sort out relevant and irrelevant information?

Q5

continued

Step 3: Consult resources

- Where can you get information that will not automatically confirm your opinion?

- Review standards of practice for our profession:
  - ASHA Code of Ethics
  - ASHA Scope of Practice
  - ASHA Practice Portal
  - Your state's licensure policies

Seek original sources

Step 4: Brainstorm solutions

- What is the solution you are looking for?
  - Are your biases influencing your goal?
  - Our goal should be to resolve the situation and prevent future situations.
- Remember that decision-making can take time
- And there is never (or rarely) only one option

Application to case studies

Ponder how biases and WYSIATI can adversely influence decision-making and how to mitigate those influences.

Case Study 1: Role of SLPA

- SLP moved to new state and is now working in private practice.

- During orientation week, observes SLPA conducting language enrichment for 2 year olds at local early Head Start without another SLP present.

- Step 1: Is this ethical/legal?

- Step 2: Gather information about the situation.

- Step 3: Consultation.

Case Study 1: SLPA

- 1. Is it ethical/legal?
    - Review Code of Ethics regarding delegation of duties to SLPAs
    - Review current state licensure requirements regarding roles, responsibilities, and supervision of SLPAs.

Q1

Case Study 1: SLPA

- 2. Gather information:
  - What do you know about the supervision of the SLPA?
  - What do you know about this initiative with Head Start?
  - What do you know about the SLPA's credentials?

- 3. Consultation:
  - ASHA staff regarding SLPA roles and responsibilities
  - BASLP staff regarding SLPA roles and responsibilities in this state.
  - Early intervention requirements

CONTINUED

Case Study 2: SSD

- The SLP believes a child with SSD is eligible for services. The eligibility team does not find the child eligible.

- Step 1: Is this ethical/legal?
- Step 2: Gather information about the situation.
- Step 3: Consultation.

Case Study 2: SSD

- 1: Legal/ethical?
  - Eligibility procedures in this state

- 2: Information –
  - How does the SLP report link to academic performance?

- 3. Resources –
  - State SL guidelines, spec ed regulations
  - Other options – 504, MTSS?

CONTINUED

Case Study 3: Senior SLP notices Medicaid documentation errors

- Errors in dates, amount of services, incomplete notes regarding services

- Step 1: Is this ethical/legal?

- Step 2: Gather information about the situation.

- Step 3: Consultation.

contInueD

Case Study 3: Medicaid documentation

- 1. Ethical/legal?
  - Code of Ethics and Medicaid requirements

- 2. Gather information
  - Record review, quantify nature and amount of errors
  - Training record
  - Documentation requirements

- 3. Consultation
  - Facility billing staff and supervisors
  - State Medicaid personnel
  - ASHA Staff

Q5

Case study 4: Evaluation of ELL client without available interpreter

- Monolingual SLP receives referral for evaluation of child who is ELL. The district/company does not have a contracted interpreter for the child's native language.

- Step 1: Is this ethical/legal?
- Step 2: Gather information about the situation.
- Step 3: Consultation.

continued®

Case Study 4: No interpreter

1. Legal/ethical?
   - COE
   - Relevant regulations

2. Gather information
   - Interpreting services, assessments, bilingual SLPs
   - Facility policies

3. Consultation
   - Facility administration
   - ASHA staff, university faculty

continued

Case Study 5: Unreferred swallowing disorder?

- While walking through the dining hall at work, an SLP observes a person with significant disabilities coughing and tearing up while eating.

- Step 1: Is this ethical/legal?

- Step 2: Gather information about the situation.

- Step 3: Consultation.

continuED

Case Study 5: Unreferred swallowing disorder?

1. Legal/ethical?
   - COE
   - Relevant regulations

2. Gather information
   - History, referral sources, prior services

3. Consultation
   - Facility administration
   - ASHA staff, university faculty

CONTINUeD

Case study 6: Inappropriate billing

- At a practice where SLPs are paid by the client hours billed, an SLP notices that a colleague appears to be billing for more time than provided.

- Step 1: Is this ethical/legal?

- Step 2: Gather information about the situation.

- Step 3: Consultation.

Case Study 6: Inappropriate billing

1. Legal/ethical?
   - COE
   - Policies (e.g. Medicaid, Medicare)

2. Gather information
   - Billing sheets and time logs
   - Conversation with SLPs
   - Training procedures

3. Consultation
   - Facility billing specialists
   - ASHA staff, state Medicaid agency

Q2

Case Study 7: Telepractice

- An SLP with a home health agency suggests to her supervisor that they offer telepractice to Medicare patients who live in an impoverished neighborhood that is a long distance away.

- Step 1: Is this ethical/legal?

- Step 2: Gather information about the situation.

- Step 3: Consultation.

Case Study 7: Telepractice

- Step 1: Ethical/legal
  - Review ASHA COE and Medicare regarding discrimination

- Step 2: Gather information
  - Understand the reason for the SLP's request

- Step 3: Consultation
  - ASHA staff
  - Facility policies

continued

Case Study 8: DMC for client with aphasia

- Family of 60 y.o. client with expressive aphasia secondary to recent stroke are concerned about her DMC and wish to make decisions for her

- Step 1: Is this ethical/legal?
- Step 2: Gather information about the situation.
- Step 3: Consultation.

Case Study 8:

- Step 1: Ethical/legal
  - Review ASHA COE

- Step 2: Gather information
  - Understand the reason for the family's request
  - Understand the family's comprehension of the aphasia and prognosis

- Step 3: Consultation
  - Facility policies and procedures
  - Facility social worker
  - ASHA staff

There are known knowns; there are things we know we know. We also know there are known unknowns; that is to say we know there are some things we do not know.
But there are also unknown unknowns—the ones we don't know we don't know.
-Donald Rumsfeld, Secretary of Defense

continued

References

- American Speech-Language-Hearing Association. (n.d.) A ten step process for resolving ethical issues.

- American Speech-Language-Hearing Association. (2016). Code of Ethics.

- Bhatti, A. (2018). Cognitive bias in clinical practice – nurturing healthy skepticism among medical students. Advances in medical education and practice. 2018:9 235-237.

- Cherry, K. (2020). What is cognitive bias? Verywellmind. Retrieved from https://www.verywellmind.com/what-is-a-cognitive-bias-2794963

- Cohn, E.R., & Cason, J. (2019). Ethical considerations for client-centered telepractice. Perspectives of ASHA Special Interest Groups. (4) 704-711.

- Kahneman, D. (2011). Thinking, fast and slow. NY: Farrar, Straus and Giroux.

- Korteling, J.E., Brouwer, A-M, & Toet, A. (2018). A neural network framework for cognitive bias. Frontiers in psychology. 9:1-12.

- Power-deFur, L. (2020). What do I do now? Resolving school-based ethical challenges. Perspectives of ASHA Special Interest Groups. (5) 282-289.

- Wagner, L.C.B. (2018). Ethical framework for supporting medical decision making for persons with aphasia. Perspectives of ASHA Special Interest Groups. (2) 80-86.

Lissa Power-deFur, Ph.D., CCC-SLP
powerdefurea@longwood.edu

Drawing: Power-deFur