

ETHICS UPDATES: IMPLICATIONS FOR SUCCESSFUL PRACTICE

**Mississippi Speech-Language-Hearing Association
Annual Continuing Education Conference
March 3, 2016**

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DISCLOSURE

Financial:

Conference registration waived by MSHA

Nonfinancial:

Member of ASHA Board of Ethics (BOE)/2016 BOE Vice Chair



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ACKNOWLEDGEMENTS!

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- Heather Bupp, Esq., ASHA Director of Ethics
- Shelly Chabon, Ph.D., CCC-SLP, ASHA Fellow
- Glenn M. Waguespack, M.S., CCC-A, ASHA Fellow



CHARGE TO THE BOARD OF ETHICS

Bylaws of the Association (2008)

<http://www.asha.org/uploadedfiles/BY2014-00340.pdf>

- Formulate, publish and, from time to time, amend a Code of Ethics
- Develop educational programs and materials for members (Ethics Education Subcommittee)
- Adjudicate complaints alleging violations of the Code of Ethics

ETHICS EDUCATION

- Ethics Education Subcommittee (Board of Ethics members in 4th year of their term)
 - ✓ Issues in Ethics statements
 - ✓ Convention presentations
 - ✓ Student Ethics Essay Award program
- Live online web chats – see *Events* on asha.org
- Articles for *The ASHA Leader*, *ASHAWire*, and other publications
- Guest speakers



PROCESS FOR FILING COMPLAINTS

If you have reason to believe the Code has been violated, you shall inform ASHA Board of Ethics pursuant to [Principle IV, Rule M](#).

Code of Ethics (2010r)

Code of Ethics (2010r) is the applicable code for suspected violations occurring **prior to** March 1, 2016.

Code of Ethics (2016)

The newest revision of the ASHA **Code of Ethics (2016)** is the applicable code for suspected violations occurring **March 1, 2016 and thereafter**.

ETHICS COMPLAINTS

ASHA BOE *only* has **jurisdiction** over:

Members of ASHA – Certified and Noncertified

Nonmembers holding the CCC

Applicants for membership and/or certification

**BOE
Jurisdiction**

SANCTIONS

If found in violation of Code of Ethics, one of the following sanctions will be applied:

PRIVATE Reprimand

Between
Complainant and
Respondent

PUBLIC

Published in *The ASHA Leader*

Censure

Withholding – for Clinical
Fellows or applicants*

Suspension– For months, years*

Revocation – For months, years,
or life*

* Also Interrupts Certification/Membership

PRINCIPLES WITHIN CODE OF ETHICS

Principle I

- Responsibility to persons served professionally and to research participants

Principle II

- Responsibility for one's professional competence

Principle III

- Responsibility to the public

Principle IV

- Responsibility for professional relationships



AMERICAN
SPEECH-LANGUAGE-
HEARING
ASSOCIATION

CODE OF ETHICS

THIS VERSION OF THE ASHA CODE OF ETHICS WILL BECOME EFFECTIVE ON MARCH 1, 2016.

Effective 3/1/2016

Reference this material as: American Speech-Language-Hearing Association. (2016). Code of Ethics [Ethics]. Available from www.asha.org/policy.

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Retrieved February 22, 2016 from
<http://www.asha.org/uploadedFiles/ET2016-00342.pdf>

Delegation of Tasks
Impaired Practitioner
Plagiarism
Products
Collaboration
Billing
Interprofessional
Credentials
Supervision
Scholarly Activities
Administrators
Advertising
Integrity
Services
Fraud
Consent
Patient Welfare
Administrators
Research
Disclosures
Telepractice
Abandonment
Misrepresentation
Confidentiality
Standards
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Support Personnel
Negligence
Interns
Evidence Based
Principles
Preamble
Mentors
Supervisors
Honesty
Scientists
ASHA
Code of Ethics
Compliance
Colleagues
SLPs
Clinicians
Audiologists

ASHA CODE OF ETHICS (2016)

- Updated Preamble
- New Terminology Section
- Revisions to 2 Principles (III, IV)
- 15 New Rules

REVISIONS

ASHA CODE *PREAMBLE*

The **preservation of the highest standards of integrity** and ethical principles is vital to the responsible discharge of obligations by audiologists, speech-language pathologists, and speech, language, and hearing scientists who serve as clinicians, educators, mentors, researchers, supervisors, and administrators. This Code of Ethics sets forth the fundamental principles and rules considered essential to this purpose and is applicable to the following....

By holding ASHA certification or membership, or through application for such, all individuals are automatically subject to the jurisdiction of the Board of Ethics for ethics complaint adjudication. Individuals who provide clinical services and who also desire membership in the Association must hold the CCC.

ASHA CODE *PREAMBLE*

The Code is designed to provide guidance to members, applicants, and certified individuals as they make professional decisions. Because the Code is not intended to address specific situations and is not inclusive of all possible ethical dilemmas, professionals are expected to follow the written provisions and to uphold the spirit and purpose of the Code.

TERMINOLOGY – NEW SECTION

Added so that there is no misunderstanding of meaning, application, or intent. Examples include:

- Nolo contendere
- Publicly sanctioned
- Self-report
- Shall vs. May

PRINCIPLE I

Rule J. Individuals shall accurately represent the intended purpose of a service, product, or research endeavor and shall abide by established guidelines for clinical practice and the responsible conduct of research.

This new Rule was created to support similarly-themed rules within Principle I.

PRINCIPLE I

Rule S. Individuals who have knowledge that a colleague is unable to provide professional services with reasonable skill and safety shall report this information to the appropriate authority, internally if a mechanism exists and, otherwise, externally.

This new Rule was created with the “impaired practitioner” theme in mind, which also appears in Principle I, Rule R. It recognizes that impaired practitioners may not always be able or willing to seek professional assistance and/or withdraw from practice. This new Rule also supports the parallel theme in Principle IV.

PRINCIPLE II

B. Members who do not hold the Certificate of Clinical Competence may not engage in the provision of clinical services; however, individuals who are in the certification application process may engage in the provision of clinical services consistent with local and state laws and regulations and with ASHA certification requirements.

This new Rule was created to attempt to give instruction to individuals seeking the CCC later in their career, who may already have received state licensure. It should be noted that individuals who provide clinical services under the provisions of state licensure but do not hold the ASHA CCC are not permitted to be members of the Association.

PARTICIPANT WORK (Using next 12 slides)

Find the new rules that address the following topics
(as assigned by presenter):

- Research (A)
- Disclosure (B)
- Self-reporting (C)
- Reporting of Other Disciplines (D)
- Competency in Technology/Instrumentation Use (E)
- Compliance with Laws/Regulations Applicable to Practice & Research (D)
- Administrative/Supervisory Roles (E)
- Intra- and Interprofessional Practice (F)



Skim the next 12 slides (Handout) for critical words/concepts. Read additional new Rules in detail following the session. Thanks!!!

PRINCIPLE II

Rule C. Individuals who engage in research shall comply with all institutional, state, and federal regulations that address any aspects of research, including those that involve human participants and animals.

This new Rule with a research emphasis was added to be parallel to the previous new Rule B.

PRINCIPLE II

Rule F. Individuals in administrative or supervisory roles shall not require or permit their professional staff to provide services or conduct clinical activities that compromise the staff member's independent and objective professional judgment.

This new Rule addresses problems identified as input was sought during the code revision process. Unrealistic productivity requirements, billing pressures, employer demands to treat patients/clients/students who do not require services, and being asked to practice outside of one's scope and/or competency were some of the issues delineated.

PRINCIPLE II

Rule G. Individuals shall make use of technology and instrumentation consistent with accepted professional guidelines in their areas of practice. When such technology is not available, an appropriate referral may be made.

This new Rule was created to address the increased use of technology and current trends in the professions, as well as providing emphasis on best practice and treating within scope of practice and/or competency.

PRINCIPLE III

Rule G. Individuals shall not knowingly make false financial or nonfinancial statements and shall complete all materials honestly and without omission.

This new Rule strengthens the disclosure requirements that are already required for processes related to research, presentation, or writing.

PRINCIPLE IV

Rule A. Individuals shall work collaboratively, when appropriate, with members of one's own profession and/or members of other professions to deliver the highest quality of care.

Former Rule A was deleted and the language was incorporated into Principle IV, and was replaced with new Rule A that reflects the importance of interprofessional collaborative education and practice, as well as intraprofessional collaboration.

PRINCIPLE IV

The logo for Pilonso, featuring the name in a stylized, handwritten black font with a long horizontal underline.

Rule F. Applicants for certification or membership, and individuals making disclosures, shall not knowingly make false statements and shall complete all application and disclosure materials honestly and without omission.

This new Rule was created to be specific about the required behavior of individuals who are applying for ASHA certification and/or membership or reinstatement thereof, as well as individuals who are required to make disclosures for other similar purposes.

PRINCIPLE IV

Rule N. Individuals shall report members of other professions who they know have violated standards of care to the appropriate professional licensing authority or board, other professional regulatory body, or professional association when such violation compromises the welfare of persons served and/or research subjects.

Because ASHA members and/or certificate holders work with many related professionals, this new Rule was created to encourage the reporting of conduct that compromises the care of those we serve.

PRINCIPLE IV

Rule R. Individuals shall comply with local, state, and federal laws and regulations applicable to professional practice, research ethics, and the responsible conduct of research.

This new Rule was created to spell out basic regulatory compliance for both professional practice and research endeavors.



PRINCIPLE IV

Rule S. Individuals who have been convicted; been found guilty; or entered a plea of guilty or nolo contendere to 1) any misdemeanor involving dishonesty, physical harm – or the threat of physical harm – to the person or property of another, or 2) any felony, shall self-report by notifying ASHA Standards and Ethics (see Terminology for mailing address) in writing within 30 days of the conviction, plea, or finding of guilt. Individuals shall also provide a certified copy of the conviction, plea, nolo contendere record, or docket entry to ASHA Standards and Ethics within 30 days of self-reporting.

PRINCIPLE IV

This new Rule mirrors and supports the first disclosure question on the audiology and SLP applications for certification or reinstatement thereof, which requires an individual to “self-report” any convictions, misdemeanors, felonies, etc. since making application for ASHA certification or becoming ASHA certified. The new theme of self-disclosure is fortified by this Rule.

(5) DISCLOSURE INFORMATION

1. Have you ever been convicted; been found guilty; or entered a plea of guilty or *nolo contendere* to
A. Any misdemeanor involving dishonesty, physical harm to the person or property of another, or a threat of physical harm to the person or property of another *or*

B. Any felony?

Check one: Yes No

2. Are you presently indicted on or charged with

A. One or more misdemeanors involving dishonesty, physical harm to the person or property of another, or threat of physical harm to the person or property of another *or*

B. One or more felonies?

Check one: Yes No

PRINCIPLE IV

Rule T. Individuals who have been publicly sanctioned or denied a license or a professional credential by any professional association, professional licensing authority or board, or other professional regulatory body shall self-report by notifying ASHA Standards and Ethics (see Terminology for mailing address) in writing within 30 days of the final action or disposition. Individuals shall provide a certified copy of the final action, sanction, or disposition to ASHA Standards and Ethics within 30 days of self-reporting.



This matter came before the Louisiana Board of Examiners for Speech-Language Pathology and Audiology ("Board") on May 10, 2014 at or about 10:00 a.m. for a hearing on a complaint filed with the Board on January 7, 2013, by Carlton Jones, III, Attorney for the Louisiana Patient's Compensation Fund (hereinafter referred to as "PCF"). Board members,

PRINCIPLE IV

This new Rule mirrors and supports the third disclosure question on the audiology and SLP applications for certification or reinstatement thereof, which requires an individual to “self-report” any public sanctions or professional discipline, or denials of a credential/license, etc., since making application for ASHA certification or becoming ASHA-certified. The new theme of self-disclosure is fortified by this Rule.

DISCLOSURE INFORMATION (CONT.)

3. Have you ever been

A. Disciplined or sanctioned, other than for insufficient professional or continuing education, by any professional association, professional licensing authority or board, or other professional regulatory body?

B. Denied a license or a professional credential by any professional association, professional licensing authority or board, or other professional regulatory body?

Check one: Yes No

Ethical Scenarios

Each of the following represents a potential violation of the ASHA Code of Ethics or a dilemma with which you may be confronted. Determine if any violation has occurred and, if so, which principle(s) has been violated. Analyze the situations relative to potential ethical violations and resolution of the problems.



ETHICAL SCENARIOS

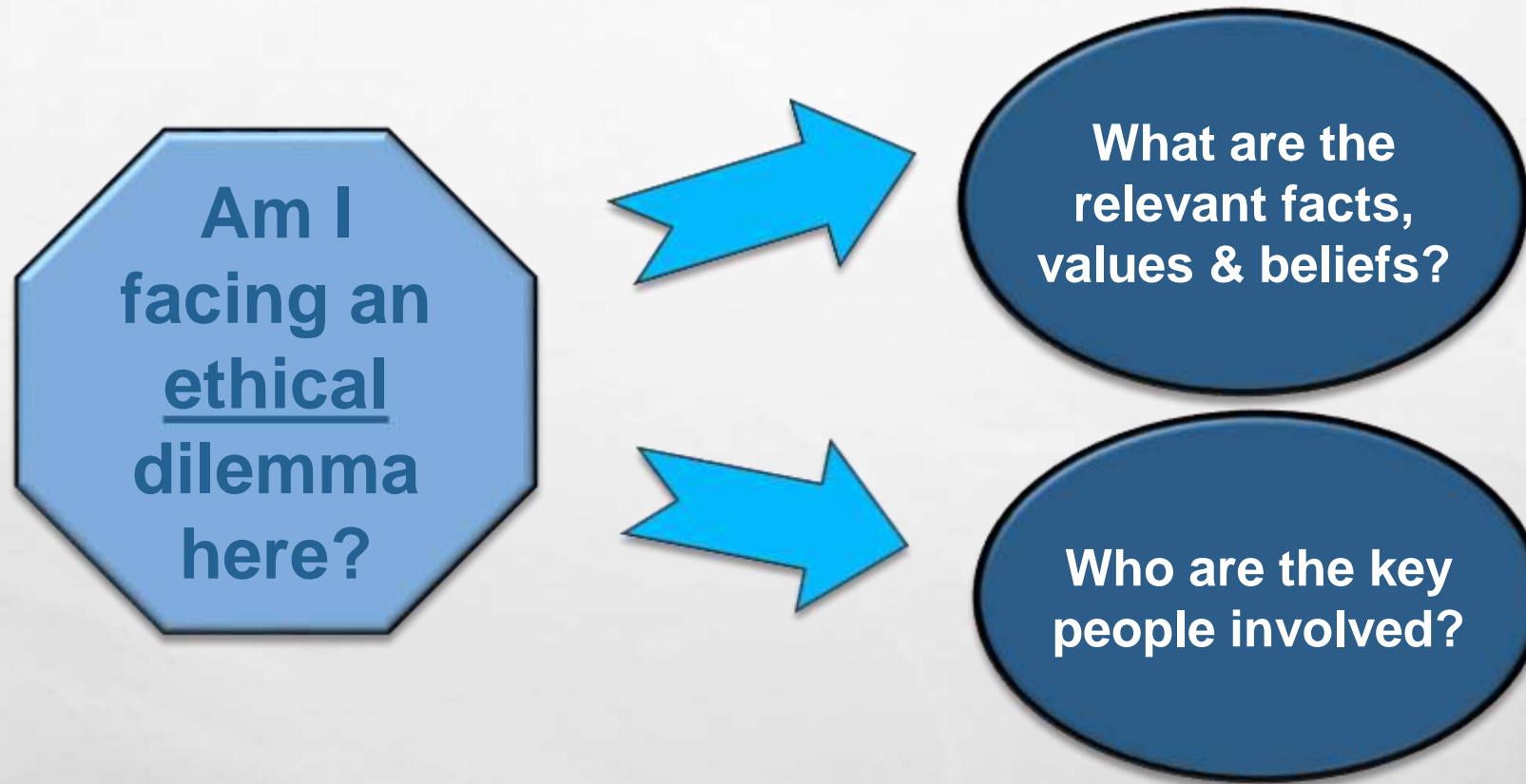
(Scenarios will be shared with participants who attend this session, and discussed utilizing the questions on the slide which follows. Excerpts from “hit songs” will be incorporated into the presentation.)



1. What is the major ethical issue or disagreement in this case?
2. Is this a violation of the ASHA Code of Ethics?
3. If so, which principle(s) and/or rule(s) does it violate?
4. Is time of the essence and what are the potential consequences?

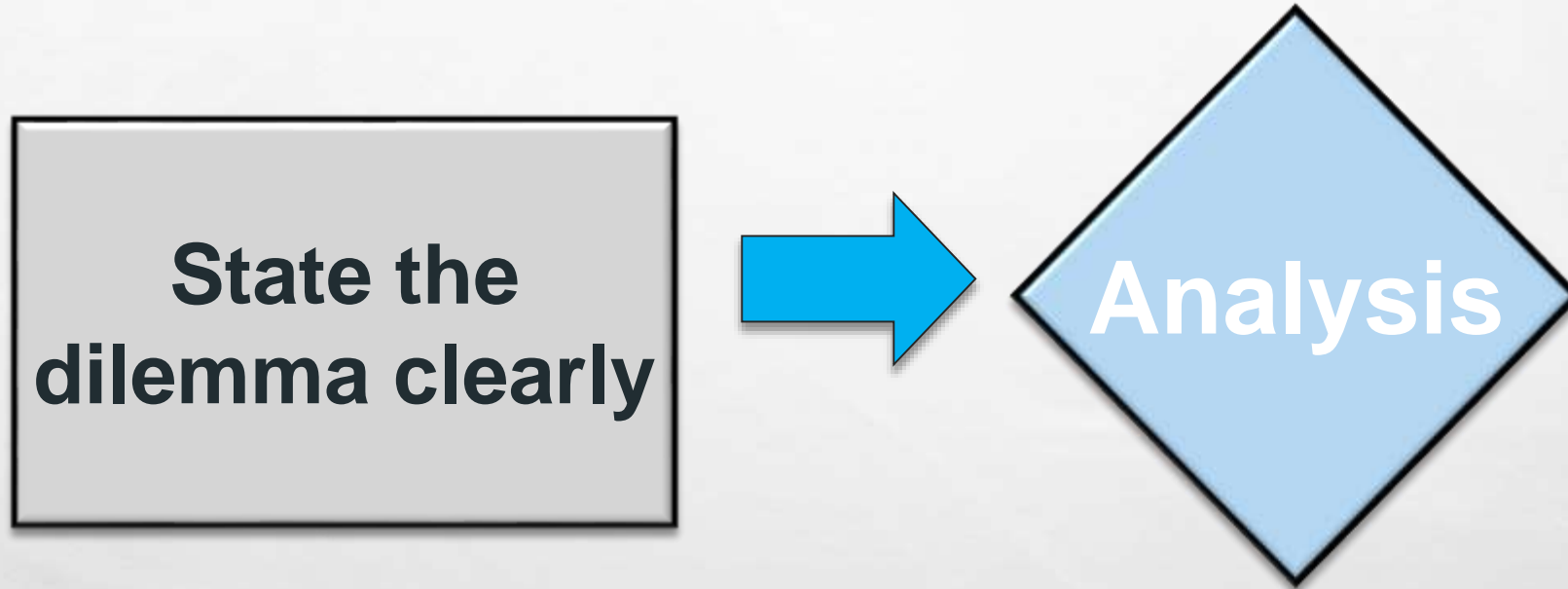


Ethical Decision-Making Model



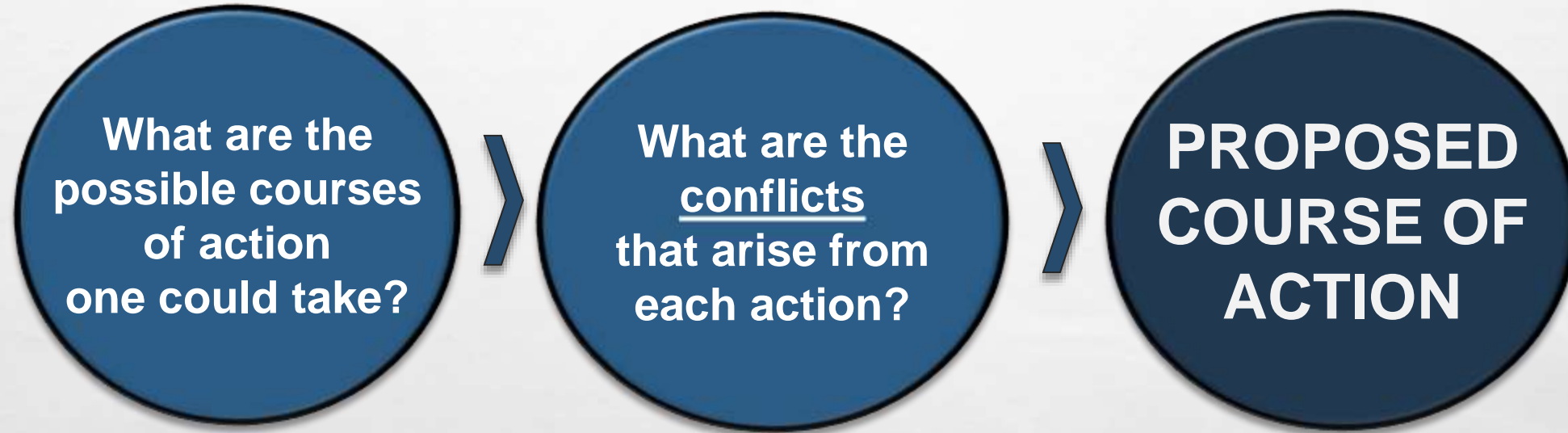
(Chabon, S. and Dunham, Chapter 7, in Chabon, S., Denton, D.R., Lansing, C.R., Scudder, R.R. and Shinn, R. (2007) Ethics education. ASHA Publication.

Ethical Decision-Making Model



Chabon, S. & Morris, J. (2005). Raising ethical awareness in the practice of speech-language pathology and audiology: A 24/7 endeavor. California Speech-Language-Hearing Association Magazine, 35 (1) 6-8.

Ethical Decision-Making Model



Chabon, S. & Morris, J. (2005). Raising ethical awareness in the practice of speech-language pathology and audiology: A 24/7 endeavor. California Speech-Language-Hearing Association Magazine, 35 (1) 6-8.

Ethical Decision-Making Model

Evaluate:

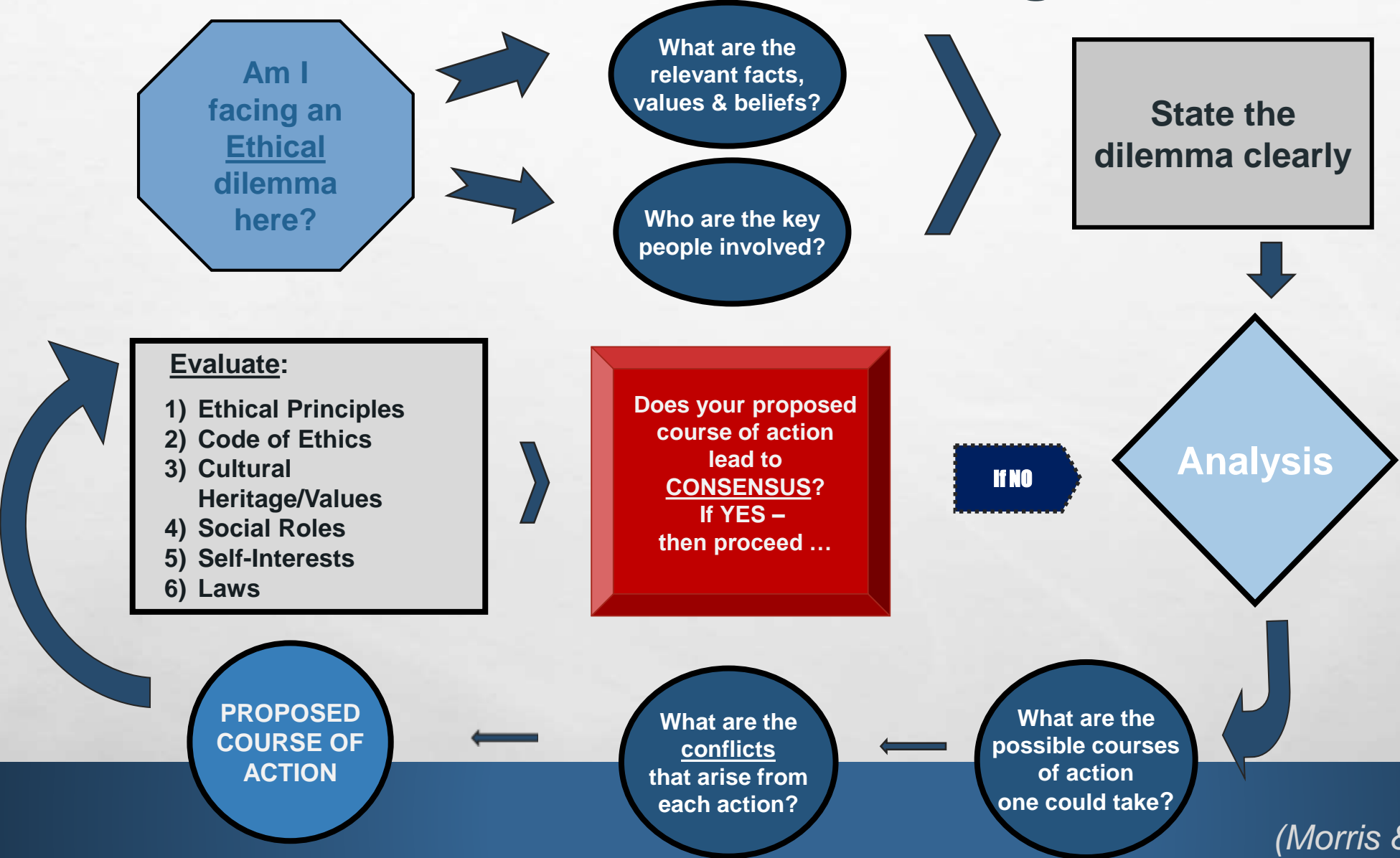
- 1) Ethical Principles
- 2) Code of Ethics
- 3) Cultural Heritage/Values
- 4) Social Roles
- 5) Self-Interests
- 6) Laws



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

Chabon, S. & Morris, J. (2005). Raising ethical awareness in the practice of speech-language pathology and audiology: A 24/7 endeavor. California Speech-Language-Hearing Association Magazine, 35 (1) 6-8.

Ethical Decision-Making Model



(Morris & Chabon, 2005)

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Call or email ASHA!

ASHA Resources

Ethics Resources

ASHA's Code of Ethics

- Code of Ethics
- Code of Ethics (en Español)
- Revised Code of Ethics – *effective March 1, 2016*

Board of Ethics Complaint Adjudication

- Complaint Filing Process
 - Ethics Complaint Form [PDF]
 - Instructions for Complaint Filing
 - Frequently Asked Questions
- Guidelines for Responding to Ethics Complaints
- Petition for Reinstatement [PDF]
- Board of Ethics Statements

Ethics Guidance

- Issues in Ethics Statements
- State Codes of Ethics
- Articles From the Director of Ethics
- Ethics Roundtable Discussions
- Ethics in Research
- Ethics and Schools Practice
- Ethical Issues in Swallowing
- Ethics Information from Other Health Organizations

In The Spotlight

- Ethics Live Event Replays
- Multiple Professional Ethics Standards: A Challenge for Practitioners
- Nine Upsetting Dilemmas
- Navigating Medicaid Services in Schools

Student Ethics Essay Award

- Information and Essay Topic
- Award Recipients



Sanctions and Violation History

- Request an Ethics Violation History
- How Board of Ethics Sanctions Individuals

Ethics Publications

- Principles of Ethics Poster [PDF]
- ASHA Ethics Products



ASHA Practice Policy Documents

- Scope of Practice: Audiology
- Scope of Practice: Speech-Language Pathology

Retrieved February 22, 2016 from
http://www.asha.org/practice/ethics/ethics_issues_index/

ASHA Resources

Issues in Ethics Statements

From time to time, the Board of Ethics determines that members and certificate holders can benefit from additional analysis and instruction concerning a specific issue of ethical conduct. Issues in Ethics statements are intended to heighten sensitivity and increase awareness. They are illustrative of the [Code of Ethics](#) and intended to promote thoughtful consideration of ethical issues. They may assist members and certificate holders in engaging in self-guided ethical decision-making. These statements do not absolutely prohibit or require specific activity. The facts and circumstances surrounding a matter of concern will determine whether the activity is ethical.

- [Audiology Assistants](#) (2014)
- [Client Abandonment](#) (2010)
- [Clinical Practice by Certificate Holders in the Profession in Which They Are Not Certified](#) (2013)
- [Clinical Services Provided by Audiology and Speech-Language Pathology Students](#) (2013)
- [Competition in Professional Practice](#) (2011)
- [Confidentiality](#) (2013)
- [Conflicts of Professional Interest](#) (2011)
- [Cultural and Linguistic Competence](#) (2013)
- [Ethical Practice Inquiries: ASHA Jurisdictions](#) (2011)
- [Ethics in Research and Scholarly Activity](#) (2014)
- [Obtaining Clients for Private Practice From Primary Place of Employment](#) (2014)
- [Prescription](#) (2015)
- [Protection of Human Subjects](#) (2014)
- [Public Announcements and Public Statements](#) (2015)
- [Representation of Services for Insurance Reimbursement, Funding, or Private Payment](#) (2010)
- [Responsibilities of Individuals Who Mentor Clinical Fellows in Speech-Language Pathology](#) (2013)
- [Speech-Language Pathology Assistants](#) (2014)
- [Supervision of Student Clinicians](#) (2010)
- [Support Personnel](#) (2004) [Replaced by [Audiology Assistants](#) (2014) and [Speech-Language Pathology Assistants](#) (2014)]
- [Use of Graduate Doctoral Degrees by Members and Certificate Holders](#) (2013)

Retrieved February 22, 2016
from

http://www.asha.org/practice/ethics/ethics_issues_index/

ASHA Resources

Ethics Live Event Replays

ASHA members can watch replays of live ethics events anytime through the links below.

Live Online Chats

Ethics and Reimbursement in Health Care Settings

September 16, 2014

Ethics for Support Personnel and ASHA Associates

May 13, 2014

Ethics and Schools Practice

March 25, 2014

Ethics and CF Mentoring

January 16, 2014

Employment Issues in Long-Term Care: Productivity, Ethics, and Fraud

December 12, 2013

Ethical Challenges in Dysphagia Management

October 21, 2013

Ethics and Audiology

September 19, 2013

Ethics and Mentoring/Supervision of Clinical Fellows

August 21, 2013

Ethics and Schools Practice

June 13, 2013

Ethics for Support Personnel and ASHA Associates

May 15, 2013

Retrieved February 22, 2016 from

http://www.asha.org/practice/ethics/ethics_issues_index/



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