A Practical Overview of Healthcare Ethics for Audiologists

ADA Conference
Bonita Springs, Florida
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Overview Agenda

- What do we mean by “ethics?”
  - Basic principles
- Why should we be concerned about ethics?
- Relevant codes of ethics
  - ADA
  - ASHA
  - AAA
- Cases
Informal Poll

What comes to mind when you hear the term “ethics?”
Ethics

- “Ethics refers to moral philosophy...” (Paola, Walker and Nixon, 2010)
- “A set of moral principles” (Merriam-Webster Dictionary, 2013)
- “The principles of conduct governing an individual or group” (Merriam-Webster Dictionary, 2013)
- “...refers to well-founded standards of right and wrong that prescribe what humans ought to do” (Velasquez, Andre, Shanks and Meyer, 2013)
Wide World of Ethics

- **Normative** – attempts to determine what moral standards should be followed (what should be done)
  - **Applied** – application of normative theories to practical problems
  - **Descriptive** – compares opinions about right and wrong
- **Consequential** – emphasizes moral “right” and victory of good over evil
- **Religious** – codes governed by adherence to a creed or spiritual belief system
- **Secular** – codes developed by societal customs
- **Situational** – actions are guided by flexibility in action depending on the situation
Healthcare Ethics...

What type of ethics is it?
Ethics in Healthcare

Four Primary

Autonomy
- Providers must respect that competent individuals have the right to control their own care

Beneficence
- Providers must strive to do the most good for the patient in all interactions

Nonmaleficence
- Providers must avoid doing harm

Justice
- Providers must be fair in allocation of treatment and resources and be able to justify decisions

Two Secondary

Dignity
- Respect for humanity

Truthfulness and Honesty
- Informed decision-making; transparency
Things can get fuzzy...

- What if the patient is not competent?
- What if the patient and provider disagree about what is the best course of treatment?
- What happens if well-intended treatment causes harm?
- What is the role of advanced directives? Healthcare POAs?
- What if the patient cannot afford the treatment recommended?
- When is there a conflict of interest?
Examples

- **Autonomy** – Audiologist recommends binaural amplification due to symmetrical hearing loss – patient wants to purchase just one; who decides?

- **Beneficence** – Noticing signs of retrocochlear pathology, audiologist immediately refers patient to otologist

- **Nonmaleficence** – Audiologist receives referral for VNG on a frail, elderly patient with significant history of compression fractures of the spine – may need to modify protocol so as to minimize risk of injury while still collecting needed info

- **Justice** – Audiologist provides patient with a choice of instruments at differing price points while highlighting advantages and disadvantages of each

- **Dignity** – In a shared space, audiologist provides counseling in a private consultation space

- **Truthfulness and Honesty** – Audiologist provides patient with a detailed delivery statement and purchase agreement
Think…Pair…Share

- Buddy up and see if you can come up with your own example of an ethical dilemma related to one of our basic principles
- We will share some of your examples
ASHA

O Preamble – Statement of purpose
O Principle I – Welfare of patients; competence; truthfulness and honesty
O Principle II – Professional performance; continuing education; supervision
O Principle III – Disclosure of information; dissemination of info; conflict of interest; fraud; truthfulness and honesty
O Principle IV – Professional cooperation; referrals; scope of practice; collaboration
AAA

- Preamble – Statement of purpose
- Principle I – Honesty, integrity and respect
- Principle II – Professional competence
- Principle III – Confidentiality
- Principle IV – Necessary services
- Principle V – Dissemination of information
- Principle VI – Truthfulness in publication
- Principle VII – Professional cooperation
- Principle VIII – Dignity of the profession
ADA

- Preamble – Purpose and overview
- Principle I – Welfare of Persons served
- Principle II – Professional Competence
- Principle III – Professional Demeanor (Truthfulness and Honesty)
- Principle IV – Accuracy of Information
- Principle V – Professional Conduct
- Principle VI – Maintain Standards
ADA in Detail

- Principle I – Welfare of patients
  - Allocation of resources; referral
  - Informed consent
  - Disclosure
  - Outcome measures
  - Confidentiality
  - Non-discrimination
ADA in Detail

- Principle II – Professional competence
  - Scope of practice
  - Continuing education
  - Supervision
  - Conflict of interest
  - Compliance
ADA in Detail

- Principle III – Professional demeanor
  - Disclosure
  - Comprehensive care, not sale of products
  - Dignity
ADA in Detail

- Principle IV – Accuracy of information
  - Training and competence
  - Truth in advertising
ADA in Detail

O Principle V – Professional conduct
  O Public service and education (PSAE)
  O Cooperative/collaborative practice
  O Research and best practices
ADA in Detail

- Principle VI – Maintaining standards
  - Adherence to Code
  - Reporting and Cooperation
Case 1

- Phil owns a private practice audiology clinic
- Ties the salary of staff to sales quotas
  - Staff must sell 10 hearing aids per month to earn a base salary
  - Staff averaging 12 or more sales per month over a quarter receive a bonus
  - Staff who average less than 10 hearing aids per month over a quarter will receive a negative salary adjustment
- Is there an ethics violation(s)? Discuss
Case 2

- Mrs. Smith was evaluated and has sensorineural hearing loss in both ears, but there is obvious high frequency asymmetry by air/bone and speech results.
- She is interested in hearing aids.
- In order to close a sale with an eager patient, the audiologist fits her with mini-BTEs from stock without medical referral.
- After standard education and counseling, the patient is scheduled for follow-up in one month.
- Is there any type of ethical violation(s)? Discuss
Case 3

O Rachael is a private practice audiologist.
O She offers a variety of services and products, including hearing aids and assistive devices.
O Over the course of a year, she finds that she tends to recommend one brand of hearing aids over all the others based on patient feedback and her own experiences.
O She asks for and is given by the manufacturer a discount on purchases, based on her buying history.
O Is there an ethics violation? Discuss.
Case 4

- Claire owns and operates a busy private practice.
- She frequently shares patient information with hearing aid manufacturers, ear mold labs and a buying group during the course of routine practice, but has business associate agreements in place and has patients sign a release of information.
- A patient begins receiving a monthly newsletter from a hearing-related group. After making phone calls, the patient finds out that the group got her name and information from the buying group used by Claire’s practice.
- The patient files a complaint. She did not consent to having her personal information shared with outside entities.
- Is there an ethical violation here? Discuss.
Case 5

- Due to increasing costs for disposable implements, ABC hearing center and its owner audiologists have decided to switch to re-usable ear curettes and otoscope tips.
- Infection control policy stipulates that all implements be sanitized and cleaned between patient use.
- To save time and money, one of the audiologists makes it a habit of using the same tips, curettes, etc. for all patients, only putting them in the cleaner/sanitizer at the end of the day.
- Confronted about this practice, he tells his partners he is saving time and money. And besides, “...no one was complained of getting an infection, so what’s the harm?”
- Is there a violation? Discuss
Case 6

- A hearing aid manufacturer is offering a special. With each set of hearing aids ordered, they offer a variety of extras at no extra cost. These include various accessories, extended warranty and/or a discount off the invoice price.
- With premium instruments = choose 3, with mid-level instruments = choose 2 extras
- The audiologist owner of a dispensing practice decides to offer patients only 2 perks (premium) and takes the discount to pad her margin and offers only 1 (midlevel) perk and takes the discount for herself – never informing the patient that she is not offering all of the potential patient benefits.
- Is there an ethical violation here? Discuss.
Case 7

- A participating provider in the Medicare program, a private practice routinely bills Medicare for services such as comprehensive hearing tests, VNG, etc.
- Once per month, the practice offers “free hearing tests” for seniors
- Medicare regulations stipulate that participating providers cannot charge different (lesser) rates to some patients than to its members.
- Is there an ethics violation here? Discuss
Case 8

- An audiology practice owner discovers that a local discount chain store is about to begin offering hearing aids and assistive devices to consumers.
- In an attempt to protect his market share, the audiologist enters into an exclusive referral agreement with a local ENT – the ENT will refer patients needing hearing devices only to this practice owner in exchange for a 10% profit sharing whenever one of the ENT’s patients purchases hearing aids.
- Is there an ethical violation here? Discuss.
Your Cases

- Let’s open the floor for discussion of any cases that come to mind...
Questions
Chip Hahn is an audiologist and speech/language pathologist with over 20 years of clinical, teaching and research experience.

Chip received his BA from Butler University in Indianapolis, his dual MS from the University of Louisville School of Medicine and his AuD from the University of Florida.

Chip is currently a faculty member in the Department of Speech Pathology and Audiology at Miami University in Oxford, OH.

Chip is married to Celeste, an Occupational Therapist and has an 11 year old son, Will.

In his free time, Chip is an avid reader of mysteries, enjoys camping and swimming and is a huge fan of college sports and professional hockey.
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