Resolving Ethical Dilemmas

Best Practices for the Educational Audiologist

Ohio School Speech Pathology
Educational Audiology Coalition Annual Conference
Recharge – Reconnect – Refocus
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Hot Topics co-presented at the Ohio Speech–Language Hearing Association Annual Convention in March 2012, 2013, 2014, and 2015 with:

Michelle L. Burnett, M.A., CCC-SLP
Executive Vice President & Chief Program Officer – Achievement Centers for Children

Katrina Purcell, M.H.A., M.A., CCC-SLP
Speech Pathologist II – Cincinnati Children’s Hospital

Barbara Prakup, Ph.D., CCC-SLP
Summa Health Systems

Disclosures

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Learner Outcomes

 Name/describe common ethical issues that practitioners encounter in the school setting.

 State ethical requirements adopted by the Ohio Board of Speech–Language Pathology and Audiology (OBLSPA) and identify specific rules under the code of ethics and other provisions under Ohio Revised and Administrative Code Chapters 4753.

 State how the Code of Ethics can be an effective resource to preventing ethical conflicts in the school setting.
Learner Outcomes

- Understand how to recognize and appropriately respond to an ethical dilemma.
- Understand how to implement and follow an ethical decision-making process to effectively resolve an ethical dilemma.
- Identify when the practitioner has a duty to report ethical violations to OBSLPA.
- List other resources/strategies for following best practices to resolve ethical concerns.

Additional Notes

- Information in this presentation is not meant to dictate to you how to make ethical decisions

- Presumptions:
  - Ethical
  - Professional
  - Dedicated

- The Board thanks you

Why Ethics?

Introduction - Ethics Requirement

- Discussion began in 2010
- Board receives many inquiries regarding ethical dilemmas
- Professions in related areas require licensees to complete ethics
  - Counselor, Social Worker, Marriage and Family Therapist Board
  - Occupational Therapy, Physical Therapy, and Athletic Trainers Board
  - Other States require ethics
    - Alabama, Florida, New Jersey, Texas, Kentucky, Washington, Wisconsin, West Virginia, District of Columbia
- Board Invited Public Comment - 2011
- Proposed Rule Posted For Public Comment – 2013-2014
- Board Rule requiring 2 hours in ethics – Effective 1/1/2015
- Board posted resources in January 2015

Ethics/Rules

- "The lobster dinner is thirty eight dollars, or for ten dollars extra you can have him returned to the sea."

- "What's all this 'naughty or nice' jazz? – Haven't you heard of situational ethics?"
Our financial projections for next year look excellent. We should misinform the union immediately.

Revealed in what you do, how you do it, and with what intention

Process for looking at and acting on situations that pose ethical dilemmas

Licensure Board’s Code of Ethics are more than principles, but are rules which regulate and keep the professions strong

What is an Ethical Dilemma?

Things to consider:
- How do I know if I have an ethical dilemma?
  - Situation where there is no right or wrong answer

- Best Practice – Avoid the gray area

Ethical dilemmas involve:
- Choices
- Outcomes
- Final Consequences

Effectively resolving ethical dilemmas require:
- Decision-making process

Resolving an ethical dilemma requires a stable decision-making process and can help with gray areas:

1. Define the problem and collect the relevant facts
2. Identify rules, policies, best-practices to determine feasible options
3. Assess the effect of each option on all individuals involved
4. Review all information within your chain-of-command to determine the most appropriate action
5. Select the best option and keep documentation

What are the implications when I’m facing an ethical dilemma?
- Impact to your patient/client
- Your license/certification
- Your employment
- Your reputation, integrity, and professional conduct

Ethical Dilemma – What’s at Stake?

Things to consider:

- Best Practice – Avoid the gray area

• Legal
• Ethical
• Illegal
• Unethical

Effectively resolving ethical dilemmas require:

1. Define the problem and collect the relevant facts
2. Identify rules, policies, best-practices to determine feasible options
3. Assess the effect of each option on all individuals involved
4. Review all information within your chain-of-command to determine the most appropriate action
5. Select the best option and keep documentation

Ethics – Choose Carefully!

1. Define the problem and collect the relevant facts
2. Identify rules, policies, best-practices to determine feasible options
3. Assess the effect of each option on all individuals involved
4. Review all information within your chain-of-command to determine the most appropriate action
5. Select the best option and keep documentation
Why use the Code of Ethics

› Ensures that the health and welfare of your clients/patients are being protected and served

OBSLPA Code of Ethics
OAC Chapter 4753–9

Code of Ethics – Two Sections
Section B – Ethical Conduct Required of the Licensee

1. Professional Behavior
    dishonesty, fraud, impairment

2. Maintaining Records
    adequate records, confidentiality

3. Delivery of Services
    reasonable expectation of benefit
    independent professional judgment

4. Supervision
    direct/indirect (students, aides, conditional licensees)

Interactive Survey

› Press the number corresponding to the reply you want to choose

› The number you press last is the number that will be recorded

Code of Ethics
OAC Chapter 4753–9

Code of Ethics – Two Sections
Applies to all Licensees
Section A – Ethical Duties Required For the Patient/Client

1. Respect
2. Professional Relationship – Boundaries
3. Protect
4. Proficiency
5. Practicing Within Established Standards
6. Public Behavior
7. Public Statements
8. Conflict of Interest with Professional or Commercial Affiliations
9. Subscribe to Code of Ethics
10. Duty to Report

Board will review ASHA’s new Code of Ethics, which become effective March 1, 2016
Board will determine whether any revisions will be necessary to its Code of Ethics
Any changes to Ohio Administrative Code Chapter 4753–9 will be through the rule-making process

PowerPoint: presentation: Excel

A. document
B. database
C. web page
D. spreadsheet
Sample “clicker” question
Today is …
1. Monday
2. Wednesday
3. Thursday
4. Saturday
5. None of the above

What are ethics?
1. Behaviors
2. Morals
3. Rules
4. Principles
5. Beliefs
6. All of the above

Guidelines for Discussion
- Scenarios are based on real situations resolved by the Board through guidance or disciplinary action, with permission from those involved or based on public information. Names and facts may be changed for educational purposes.
- Discussion of specific scenarios and relationship to Code of Ethics and Licensure Rules
- Guide: Enough information? Legal, ethical, moral issues? What action would you take?

Area of Interest: Ethics & Ethics in School Setting
1. Supervision
2. Billing/Reimbursement
3. School Caseload Ratio
4. Outside Services
5. Breach of Contract
6. Qualifying Student for Services
7. Changing IEP Without AUD’s Knowledge
8. Amending IEP
9. John Peterson Scholarship
10. Licensure Requirements
11. FM Systems
12. Adequate Facilities
13. Telepractice
14. Social Media
15. Impairment

Ethics in Supervision
- Invite open discussion and feedback
- Use hypothetical situations
- Time keeper will stop discussion after 3 minutes
1. Ethics in Supervision – “But I’ve Always Done It This Way”

Supervisor observes a senior practitioner using outdated clinical methods in a session. Supervisor discusses recent research articles with clinician re: current best practice. Clinician says she prefers to continue the usual practices (“tried and true”) rather than change based on updated information.

Ethics in Supervision – Survey

Should the supervisor allow the senior clinician to continue the usual practices rather than change based on updated information.

1. Yes
2. No
3. Not Sure

Guiding Principles – Supervision – “But I’ve Always Done It This Way”

- OAC 4753-9-01(A)
  - (4) Licensees shall be proficient in areas of treatment, objective in the application of skills, and maintain concern for the best interests of person(s) served or supervised, colleagues, and society as a whole.
  - (5) Licensees shall practice within the established standards of practice and training recognized by the American speech–language–hearing association or the American academy of audiology.

- OAC 4753-9-01(B)(3)
  - (c) Continue their professional development throughout their careers.

2. Ethics in Billing/Coding – “I Don’t Want to Lose My Job”

- A clinician’s employer measures productivity by number of appointments that are scheduled each week. The clinician’s productivity suffers due to personal issues and stress. In order to maintain performance goals, the clinician reports appointments with patients/clients that did not take place.
Ethics in Billing/Coding – Survey

Are there any ethical issues to consider with this scenario?

1. Yes
2. No
3. Not Sure

Guiding Principles – Billing/Reimbursement

OAC 4753–9–01(B)(1)(a)
(B) Fundamental rules considered essential. Violation of the code of ethics shall be considered unprofessional conduct.

› (1) Licensees shall maintain professional behavior.
› (a) Licensees shall not engage in dishonesty, fraud, deceit, misrepresentation, or illegal conduct that adversely reflects on the profession or the individual.

Ethics in Billing/Coding – “I Don’t Want to Lose My Job”

Final Outcome:
• Resolution – Board Disciplinary Action
• Licensee submitted documentation to employer for services that did not take place
• Employer terminated the licensee and reported matter to the Board
• After due process, Board suspended the license for 5 years
• Ethical and other considerations include...

Guiding Principles – Billing/Reimbursement

OAC 4753–9–01(B)(6)(a)(i)-(iii)
(B) Fundamental rules considered essential. Violation of the code of ethics shall be considered unprofessional conduct.

(6) Business practices shall be compliant with regional, state and federal laws.

› (a) Licensees shall:
• (i) Charge fees commensurate with services rendered.
• (ii) Not charge for services not rendered.
• (iii) Abide by federal, state and regional laws regarding billing for services and products rendered.

Guiding Principles – Billing/Reimbursement

ORC 4753.10(E)(3) – Grounds for Disciplinary Action
(E) Committing fraud, deception, or misrepresentation in the practice of speech-language pathology or audiology including:

(3) Obtaining a fee through fraud, deception, or misrepresentation, or accepting commissions or rebates or other forms of remuneration for referring persons to others.

Discussion – “I Don’t Want to Lose My Job”

› Communication: talk with employer first
  ◦ Consider your intentions – why am I doing this? What is compelling me?
  ◦ Discuss with employer

  ◦ What do you need? What would help?
3. School Caseload Ratio – “I’m The Licensed SLP”

- A full time AUD resigns and her entire caseload is transferred to the remaining fulltime school AUD. The AUD follows chain of command in reporting that she cannot provide adequate services to these students in addition to her existing caseload. The school directs the AUD to provide services to certain students, but the AUD believes that the directive would not be appropriate for students’ needs. AUD is subsequently suspended for failure to provide services.

School Caseload Ratio Survey

Can the school’s Special ED Director require the AUD to provide or not provide certain services to students to help manage the AUD’s caseload if the AUD believes it would not be appropriate?

1. Yes
2. No
3. Not Sure

Guiding Principles – Caseload Ratio

- Code of Ethics – 4753–9–01(A)
  - (A) Preamble: Licensees shall hold tantamount the health and welfare of person(s) served.
  - (1) Licensees shall respect and protect the inherent worth, integrity, dignity and rights of each person served including his/her right of self determination.
  - (2) The relationship between the professional and the person(s) served or supervised makes it imperative that the professional is aware of the vulnerability of the person(s) served or supervised...

Guiding Principles – Caseload Ratio

- Code of Ethics – 4753–9–01(A) (Cont.)
  - (A) Preamble: Licensees shall hold tantamount the health and welfare of person(s) served.
  - (3) Licensees shall use reasonable precautions to protect the health and welfare of person(s) served in the delivery of professional services and in research.

Guiding Principles – Caseload Ratio

OAC 4753–9–01(B)(3)(d)(i) and (ii)

(B) Fundamental rules considered essential. Violation of the code of ethics shall be considered unprofessional conduct.

(3) Licensees shall exhibit professional behavior in the delivery of services by:

- (d) Accept for treatment, persons:
  - (i) Licensees shall conduct their practice according to Chapter 4753. of the Revised Code and agency–level 4753 of the Administrative Code.
  - (ii) Following the exercise of independent professional judgment, regardless of referral source or prescription.
Guiding Principles – Caseload Ratio

OAC 4753-9-01(B)(3)(k)(ii)

(B) Fundamental rules considered essential. Violation of the code of ethics shall be considered unprofessional conduct.

(3) Licensees shall exhibit professional behavior in the delivery of services by:

(k) Use every resource available, including referrals to other specialists as needed, to effect maximum improvement in person(s) served. Licensees shall:

(iii) Not order excessive tests, treatment or use of treatment facilities when not warranted by the condition of the person(s) served.

4. Services Outside School Setting – “Summer Work”

School based practitioner is providing services to a student on an IEP. At the end of the school year, parents ask the practitioner whether she can continue therapy with their child over the summer, and offer to private pay for the services.

Can the practitioner provide services to the student over the summer?

A. Yes
B. No
C. Not Sure

Services Outside School Setting – “Summer Work”

Final Outcome:

- Resolution – Board Guidance
- Board’s rule permitted the licensee to accept patients/clients in private setting, following specific steps
- Licensee advised to verify that their employer did not have a work policy prohibiting or addressing patients/clients being seen in private setting
- Ethical and other considerations include...

Guiding Principles – Therapy Provided Outside Primary Work Setting

Board’s Code of Ethics – 4753-9-01(B)(i)(d)(i)-(ii)

(B) Fundamental rules considered essential. Violation of the code of ethics shall be considered unprofessional conduct.

(1) Licensees shall maintain professional behavior.

(d) When patients from a primary employment setting are seen in another setting, the person(s) served professionally shall be fully informed of services available from the licensee’s primary employment setting as well as those from the private practice and given freedom to choose whether and from whom the will obtain professional services.

(i) The costs associated with obtaining services from the licensee’s primary employment setting versus those associated with the private practice shall be made clear.

(ii) Practitioners accepting cases in a private setting from their primary place of employment shall inform the administrator at their primary employment setting of the intent.

5. Ethics in School Setting – “The Promotion”

Practitioner signs a one year contract with her school district. She also works a PRN position in a clinical setting over the weekends. The audiologist in charge of the audiology department unexpectedly resigns and the employer offers the position to the practitioner. The practitioner wants to accept the offer; however, her school district will not release her from her contract. The district advises that if she breaches her contract, they will report her to the Ohio Department of Education and to the licensure board.
Can the practitioner breach her contract to accept the new position without any consequences?
A. Yes
B. No
C. Not Sure

Ethics in School Setting – “The Promotion”
Final Outcome:
- Resolution – Board Guidance
- Licensee sought guidance before acting and making any final decisions
- Licensee was aware that her ODE license could be suspended for one year, but not aware that it could have consequences on her board license
- Ethical and other considerations include…

Guiding Principles – School Setting – “The Promotion”
Board’s Code of Ethics - 4753-9-01(A)(1)
- (A) Licensees shall hold tantamount the health and welfare of person(s) served.
- (3) Licensees shall use reasonable precautions to protect the health and welfare of person(s) served in the delivery of professional services and in research.
- (6) To protect the public confidence, public behavior shall reflect a high level of moral and ethical behaviors.

Guiding Principles – School Setting – “The Promotion”
Board’s Code of Ethics - 4753-9-01(B)(1)
- (B) Fundamental rules considered essential. Violation of the code of ethics shall be considered unprofessional conduct.
- (1) Licensees shall maintain professional behavior.

Guiding Principles – School Setting – “The Promotion”
Ohio Department of Education – ORC 3319.15
- A teacher may terminate a contract any time between the end of the school year session and July 10th by giving five days’ written notice to the employing school board.
- A teacher shall not terminate a contract before the end of the school year or after July 10th without the consent of the board of education. If a teacher terminates a contract in any manner other than as provided for above, the employing school board may file a complaint with the State Board of Education. After an investigation by the State Board of Education, the license of the teacher who terminated their contract may be suspended for not more than one year.

Guiding Principles – School Setting – “The Promotion”
Ohio Department of Education will report any formal disciplinary action to the licensure board
- Upon notification licensure board will conduct an investigation to determine:
  - Reason for termination of contract
  - Manner in which contract was terminated
  - Whether termination caused a detrimental impact to service delivery of students
  - All information will be considered
- Possible board sanctions include reprimand, suspension, or revocation of license.
Guiding Principles – School Setting – “The Promotion”

- If extenuating circumstances result in termination of your contract prior to the annual session, consider these tips:
  - Communicate with appropriate personnel in your school and district;
  - Obtain written consent of your school board to terminate your contract;
  - If possible, offer to stay on until the district hires a qualified replacement;
  - Your unique circumstances will influence the desired resolution; open communication and realistic expectations are key to successful outcome.

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Should the AUD qualify the student as the principal and SEC requested?

A. Yes
B. No
C. Not Sure

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Ethics in School Setting – “Who’s Qualifying Who?”

Final Outcome:
- Resolution – Board Guidance
- Licensee received guidance and resources to take back to their administrators
- Situation was ultimately resolved without the licensee placing her license at risk
- Ethical and other considerations include...

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Board’s Code of Ethics – 4753-9-01(A)(1)

- (1) Licensees shall respect and protect the inherent worth, integrity, dignity and rights of each person served including his/her right of self determination.

Board’s Code of Ethics – 4753-9-01(B)(3)(d)

- (d) Accept for treatment, persons:
  - (i) Who can reasonably be expected to benefit from services and continue with treatment when there is reasonable expectation of further benefit.
  - (ii) Following the exercise of independent professional judgment, regardless of referral source or prescription.

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- School-based AUD has been providing services to a student under an IEP. Half way into the school year, the AUD learns that the student’s IEP goals related to hearing were changed six months before without her knowledge or signature on the updated IEP. Practitioner also learns that the services she provided under the old IEP were reimbursed under Medicaid.
The IEP was changed without the SLP’s knowledge. Is the AUD still required to provide the services listed on the IEP?

A. Yes  
B. No  
C. Not Sure

Guiding Principles – School Setting – “Without My Knowledge”

Board’s Code of Ethics – 4753–9–01(A)(1)
- (1) Licensees shall respect and protect the inherent worth, integrity, dignity and rights of each person served including his/her right of self determination.

Board’s Code of Ethics – 4753–9–01(B)(3)(d)
- (d) Accept for treatment, persons:
  - (i) Who can reasonably be expected to benefit from services and continue with treatment when there is reasonable expectation of further benefit.
  - (ii) Following the exercise of independent professional judgment, regardless of referral source or prescription.

Ethics in School Setting – “Without My Knowledge”

Final Outcome:
- Resolution – Board Guidance
- Licensee brought the situation to the attention of their immediate supervisor
- Team meeting was scheduled to determine the impact to student services under the IEP
- Licensee educated her team about the licensure requirements and her role
- Licensee informed her billing office to ensure services were properly billed
- Ethical and other considerations include...

School-based AUD has missed therapy sessions with students on an IEP due to personal illness, time off to take care of her own sick children, and professional development. The AUD is under a lot of pressure to make up the therapy minutes specified in the IEPs. The special education coordinator proposes to amend the IEPs in order to reduce the number of minutes that the AUD initially determined as being appropriate. The AUD feels relieved and proceeds to amend the IEPs to reduce the minutes.

Can the AUD amend the IEPs to reduce the therapy minutes in this situation?

A. Yes  
B. No  
C. Not Sure

If the AUD’s supervisor issued her a directive to make up the sessions by reducing the minutes on the IEP, would the AUD’s license be at risk?

A. Yes  
B. No  
C. Not Sure
Final Outcome:

- Resolution – Board Guidance
- Licensee sought guidance before taking any action or making a final decision
- Licensee informed their special education coordinator of ODE’s requirements to appropriately make-up service minutes on an IEP, missed due to the licensee’s absence
- Licensee protected her ODE license and board license
- Ethical and other considerations include...

Board’s Code of Ethics – 4753-9-01(A)(1)

(A) Licensees shall hold tantamount the health and welfare of person(s) served.

(3) Licensees shall use reasonable precautions to protect the health and welfare of person(s) served in the delivery of professional services and in research.

(6) To protect the public confidence, public behavior shall reflect a high level of moral and ethical behaviors.

Board’s Code of Ethics – 4753-9-01(B)(1)

(B) Fundamental rules considered essential. Violation of the code of ethics shall be considered unprofessional conduct.

(1) Licensees shall maintain professional behavior.

(a) Licensees shall not engage in dishonesty, fraud, deceit, misrepresentation, or illegal conduct that adversely reflects on the profession or the individual.

Important things to consider when IEPs are changed without your knowledge or input or need to be amended:

- Services for students with a disability are covered under the Ohio Department of Education’s Special Education Operating Standards (Ohio Administrative Code Rules 3301-51-01 to 09, 11 and 21), and other state and federal regulations, e.g., IDEA

- IEPs are legal documents; SLPs input is necessary for any service the SLP is responsible for providing under the IEP

- ORC – 4753.02 prohibits unauthorized practice; inclusion of speech services on an IEP without SLP’s knowledge or input may be considered unauthorized practice

- If given a directive by your supervisor that you believe does not meet ODE’s requirements:
  - Discuss the issue with your supervisor and explain your position
  - Propose bringing in others within your chain-of-command to review the issue
  - If left with the choice between complying with the directive or facing disciplinary action by the HR Department, communicate your position and maintain your documentation

- If you cannot achieve satisfactory resolution through communication and teamwork, contact the licensure board or the Ohio Department of Education – Office for Exceptional Children for guidance
An Ohio employer hires an out-of-state practitioner and needs services provided to patients as soon as possible. The practitioner moves to Ohio and is advised by the employer that he/she can practice before receiving their Ohio license because of licensure held in their home state and based on ASHA certification.

Final Outcome:
- Resolution - Board Guidance
- Individuals who are licensed in another state or hold certification from ASHA/ABA are permitted to legally practice in Ohio upon submitting their licensure application to the Board
- Ethical and other considerations include...

Guiding Principles – Licensure Requirements – “My Employer…”

- (3) Licensees shall exhibit professional behavior in the delivery of services by:
  - (a) Accurately represent his/her training, credentials and competence.

Ohio Revised Code 4753.12 – Lawful Practice: Nothing in the Chapter shall:

- (E) Restrict a speech-language pathologist or audiologist who holds the certification of the American speech-language-hearing association, or who is licensed as a speech-language pathologist or audiologist in another state and who has made application to the board for a license in this state from practicing speech-language pathology or audiology without a valid license pending the disposition of the application.
10b. Ethics in Licensure Requirements – “My License Is Expired”

Practitioner forgets to renew her license by 12/31/14 and proceeds to practice at work the following day. She provides services for which reimbursement is sought by her employer.

Ethics in Licensure Requirements – “My License Is Expired”

Survey
Can the licensee practice if their license is not renewed in a timely manner?

1. Yes
2. No
3. Not Sure

Final Outcome:
• Resolution – Resolved through Board guidance and disciplinary action
• Legal practice only allowed under a valid license
• Ethical and other considerations include...

Guiding Principles – “My License Is Expired”

Board’s Code of Ethics – 4753-9-01(B)(1)
• (B) Fundamental rules considered essential. Violation of the code of ethics shall be considered unprofessional conduct.
• (1) Licensees shall maintain professional behavior.
• (a) Licensees shall not engage in dishonesty, fraud, deceit, misrepresentation, or illegal conduct that adversely reflects on the profession or the individual.
• (c) Licensees shall maintain a professional relationship with the board.
• (i) Licensees shall conduct their practice according to Chapter 4753. of the Revised Code and agency-level 4753 of the Administrative Code.

Guiding Principles – “My License Is Expired”

Additional Considerations
• Any reimbursement received under an expired license may be subject to reversal by an insurance provider;
• Board required to inform an employer if a licensee practices under an expired license;
• Unlicensed practice of less than 15 days results in warning letter; situations involving greater than 15 days is reviewed by the Board’s IRG Committee;
• Best guidance is to not practice under an expired license – board can expedite licensure renewal.

11. Ethics in School Setting “Oh, We Can Do That For The Student”

Special Education Coordinator orders an FM System for a student’s hearing disability on their IEP. The FM system arrives and the school contracts with a company to install and fit the FM system for the student without an educational audiologist.
Can the school district order and fit the FM System without an educational audiologist?

A. Yes
B. No
C. Not Sure

Final Outcome:

- Resolution – Board Guidance
- Licensee informed their school building staff that a licensed audiologist must select and fit the FM System for the student
- Ethical and other considerations include...

Board’s Code of Ethics – 4753–9–01(A)(1)

- (A) Licensees shall hold tantamount the health and welfare of person(s) served.
- (3) Licensees shall use reasonable precautions to protect the health and welfare of person(s) served in the delivery of professional services and in research.
- (6) To protect the public confidence, public behavior shall reflect a high level of moral and ethical behaviors.

Board’s Code of Ethics – 4753–9–01(B)(1)

- (B) Fundamental rules considered essential. Violation of the code of ethics shall be considered unprofessional conduct.
- (10) Licensees shall report to the board any violation of the board rules or any breach of the code of ethics that he/she is aware of.

ORC – 4753.02 prohibits unauthorized practice of speech-language pathology and audiology

Additional Considerations Regarding FM Systems

- If the FM system is for a student diagnosed with a hearing loss, an audiologist should be consulted. FM systems are considered medical devices when prescribed for students with a hearing loss.
- An FM system is a sophisticated assistive listening device that must be customized to coordinate with the child’s personal hearing devices to meet their unique hearing and listening needs, based on their audiological diagnosis.
- An audiologist is appropriately trained, experienced, and licensed to ensure the FM system safely and properly meets the child's listening needs.

Additional Considerations Regarding FM Systems (Continued)

- An audiologist will evaluate the child and their history, their hearing loss, their personal hearing aids, and their environmental circumstances to determine the appropriate FM system that should be prescribed and fitted.
- The audiologist will fit the FM system and train appropriate personnel, including the child, based upon their age, on proper usage.
- The audiologist can troubleshoot and reexamine communicative outcomes, issues surrounding the technology, and hearing access to help the child achieve their academic goals in the classroom.
12. Appropriate Facilities for Service Delivery

- School has no dedicated space for AUD services but allows AUD to use another practitioner’s space when it is available and is fine with AUD working with students in the hall outside the classroom if necessary.

Final Outcome:

- Resolution – Board Guidance
- It depends…special or extenuating circumstances should factor into making the best decision at that time.
- Ethical and other considerations include...

Guiding Principles – Appropriate Facilities for Service Delivery

- OAC – 4753–9–01
  - (A) Preamble: Licensees shall hold tantamount the health and welfare of person(s) served.
  - (1) Licensees shall respect and protect the inherent worth, integrity, dignity and rights of each person served including his/her right of self determination.
  - (3) Licensees shall use reasonable precautions to protect the health and welfare of person(s) served in the delivery of professional services and in research.

- OAC – 4753–9–01(B)(3)(d)
  - (ii) Following the exercise of independent professional judgment, regardless of referral source or prescription.
Guiding Principles – Appropriate Facilities for Service Delivery
ODE Rule 3301–51–09:
Delivery of Services
(j) Housing, facilities, materials, and equipment and supplies for preschool and school-age programs

Guiding Principles – Appropriate Facilities for Service Delivery
ODE Rule 3301–51–09(j): Delivery of Services
- service area must accommodate the special needs of the children;
- large enough to accommodate the use and storage of special equipment and teaching materials;
- service areas for special education must be equivalent to those used for general education classrooms;

Appropriate Facilities for Service Delivery
ODE Rule 3301–51–09(j): Delivery of Services
- Access to room for private consultation; access to telephone in the area where confidential consultation, parent contact, & scheduling occurs, including a locking file cabinet with key;
- Service area must be equipped with appropriate materials, equipment, and facilities necessary to identify children with disabilities, implement the IEP, and meet the needs of the child

Appropriate Facilities for Service Delivery
- Follow chain of command for reporting the problem
- Contact supervisor or appropriate school personnel
- Present situation and risks/concerns
- Present supporting documentation (ODE, Board’s COE)
- Make reasonable request for appropriate facilities

Ethics in Telepractice

13. Ethics in Telepractice
- Practitioner’s employer proposes a new policy requiring professional services to be delivered to patients/clients via telepractice whenever possible.
Telepractice – Survey
Can the employer require a licensee to provide services to a student via telepractice, if there is a work policy?

1. Yes
2. No
3. Not Sure

Ethics in Telepractice
Final Outcome:
- Resolution – Board Guidance
  - The licensee should ensure their employer’s work policy on telepractice is consistent with the licensure requirements for telepractice.
  - Ethical and other considerations include...

Guiding Principles – Telepractice
Telepractice – Board’s Code of Ethics – 4753-9-01(B)(7)
- (B) Fundamental rules considered essential. Violation of the code of ethics shall be considered unprofessional conduct.
- (7) Licensees may practice via telecommunications within the state where not prohibited by law.
  - (a) Support personnel in off-site locations assisting in clinical care shall be licensed aides under Chapter 4753. of the Revised Code.
  - (b) Evaluation and/or treatment shall not be solely by correspondence.

Guiding Principles – Telepractice
Telepractice – Board’s guidelines adopted under rule – See OAC 4753-2-01
- Telepractice Rule addresses:
  - Guidelines for the Use of Telehealth, includes training, equipment, disclosures/consent, confidentiality, role of the facilitator, and licensure requirements
  - Licensure Requirements: a provider of telehealth services who practices in the State shall be licensed by the Board. A provider of telehealth services who resides out of State and who provides services to Ohio residents shall be licensed by the Board

Guiding Principles – Telepractice
Telepractice – Board’s guidelines adopted under rule – See OAC 4753-2-01
- Synchronous clinician interactive model is a real time interaction between the provider and patient that may occur via encrypted audio and video transmission over telecommunication links including, but not limited to, videoconferencing.
- The scope, nature, and quality of services provided via telepractice are the same as that provided during in-person sessions by the provider.
- The quality of electronic transmissions shall be appropriate for the provision of telehealth services as if those services were provided in person.
- The provider shall be responsible for assessing the client’s candidacy for telehealth, including behavioral, physical, and cognitive abilities to participate in services provided via telecommunications.

Guiding Principles – Telepractice
Telepractice – Board’s guidelines adopted under rule – See OAC 4753-2-01
- Telehealth providers shall comply with all laws, rules, and regulations governing the maintenance of client records, including client confidentiality requirements, regardless of the state where the records of any client within this state are maintained.
- Notification of telehealth services should be provided to the client, the guardian, the caregiver, and the multi-disciplinary team, if appropriate. The notification shall include, but not be limited to: the right to refuse telehealth services, options for service delivery, and instructions on filing and resolving complaints.
Clinician accepts 'friend invitations' on Facebook from her students who are receiving services, and post general messages about her services on the school’s Facebook page. She is careful not to identify students by name, but gives examples of the type of cases she treats to help educate administrators, teachers, and parents about her services and role as the educational audiologist.

Can the AUD accept friend invitations from students she is serving?

1. Yes
2. No
3. Not Sure

Can the AUD post information on the school’s Facebook page about her cases, if she does not identify her students by name?

A. Yes
B. No
C. Not Sure

Ohio Code

Code of Ethics – Duty to hold tantamount the health and welfare of person(s) served

Ohio Administrative Code (OAC) section 4753-9-01 (A)(2)(a)-(e)

(2) The relationship between the professional and the person(s) served or supervised makes it imperative that the professional is aware of the vulnerability of the person(s) served or supervised, licensees shall not:

(e) Participate in activities that constitute a conflict of interest.
Guiding Principles – Social Media

- Practitioners must not transmit or place online individually identifiable patient information (HIPAA).
- Practitioners should understand that patients, colleagues, institutions and employers may view postings.
- Check with employer regarding internal social media policies or professional conduct regarding interactions/communications with students.
- Practitioners must observe ethically prescribed professional boundaries with patients.

Guiding Principles – Social Media

- Provide full disclosure to patient/client/parents about your usage of social media, policies regarding postings, e.g., comments, testimonials, use of photos, etc., and obtain their consent or acknowledgement.
- Practitioners should take advantage of privacy settings and seek to separate personal and professional information online.
- Practitioners should bring content that could harm a patient’s privacy, rights, or welfare to the attention of appropriate authorities.
- Practitioners should participate in developing institutional policies governing social media/online conduct.

Guiding Principles – Social Media

- Use of social media in a work setting is not prohibited, per se; however, if social media is used, clear policies should be in place to maintain professional boundaries and protect the patient/client’s rights.
- Personal freedom of speech, professional responsibilities, and employer expectations all intersect.

Ethics re: Impairment


15. Impairment – “I Think My Co-Worker Has Been Drinking”

- A supervising practitioner receives a report of a clinician smelling like alcohol when he/she arrived to work. The clinician has an appointment with a client first thing in the morning. The supervising practitioner follows-up with co-workers who interacted with the clinician and contacts their administration for guidance. By the time the supervising practitioner approaches the clinician to investigate the allegations, at least one client has already received services by the clinician. The employer requires the clinician to take a blood alcohol test on-site, which comes back over the legal limit.

Impairment – Survey

Do licensees have a duty to report impaired practice by a SLP or AUD to the licensure board?

1. Yes
2. No
3. Not Sure
Impairment - “I Think My Co-Worker Has Been Drinking”

Final Outcome:

- Resolution - Board Disciplinary Action
- License suspended for six years, with suspension being stayed upon:
- Licensee completing a substance evaluation and assessment, and complying with all terms and conditions
- Ethical and other considerations include...

Guiding Principles – Impairment

- OAC – 4753-9-01(B)(1)
- (b) Licensees shall not practice under the influence of illegal substances, alcohol, or other chemicals that may impair decision making or quality of care.

Tips re: Impairment

- Promptly bring incidents to employer’s attention
- Investigate reports of impaired practice with sense of urgency
- If necessary postpone, delay, or reassign appointments until allegation(s) are addressed
- Report impaired practice to licensure board
- Contact the licensure board for assistance, guidance, and other resources if you are dealing with an impairment

DUTY TO REPORT

- Licensees have a duty to report alleged violations to the board
- Ethics rule: 4753–9–01(A)(10):

Licensees shall report to the board any violation of the board rules or any breach of the code of ethics that he/she is aware of.

- Direct, first-hand knowledge;
- Reasonable cause to believe that a violation occurred;
- Contact licensure board’s Executive Director to discuss specific situations at: gregg.thornton@slpaud.ohio.gov; or (614) 644–9046

Role of the Speech-Language Pathologist and Audiologist

Can you remind me again what you do?

- Educate others about your unique role
- Develop your “elevator” speech
- Advocate for yourself
- Resources:

Role of School-Based Practitioner

Advocacy Initiatives

- Role of the SLP addressed in December 2014
- Role of the educational audiologist – coming soon
- Workgroup (Licensure Board, DSLHA, OSSPEAC, SLP Supervisory Network, Universities created a bookmark that explains the role of the SLP
- Bookmark is prepared for school administrators, school principals, special ed coordinators, parents, etc.
Medicaid Reimbursement – Update
- Week of Jan. 25 – ODE and ODM advised that effective Aug. 1, 2016, therapy services (SLP, AUD, OT/PT) will require a physician’s order and therapist to have a NPI number from CMS;
- Jan. 27 – ODE and ODM facilitated a webcast explaining the new change;
- Request to extend the Aug. 1 deadline is still pending;
- Services for students qualified under an IEP will not change;
- All information, including ODE memos, guidance documents, resources, and calculator are posted at: http://splaud.ohio.gov/SBL.stm

Why use the Code of Ethics
- Using the Code of Ethics will protect your license and help educate others about your professional conduct

Pointers for Resolving Ethical Dilemmas (ASHA Leader Feb 2013)
- Seek recourse within your work setting
- Many employers have compliance specialists who are available to assist in resolving ethical dilemmas or just clarifying existing work policies that address the situation. It is important to know your employer’s internal procedures and policies for addressing conflicts.

Pointers for Resolving Ethical Dilemmas (ASHA Leader Feb 2013)
- Keep records
- Document...document...document. Trained to document well re: clients; the same due diligence should be followed with ethical dilemmas.
- Maintaining a detailed, written record of actions (yours and relevant others).
- Might include e-mail correspondence, or a personal journal/log with dated entries.

Summary
- Review & understand the Code of Ethics under Chapter 4753–9, ASHA Code of Ethics
  - Empowers you to resolve dilemmas
- Act in a manner that maintains the dignity of persons served
  - Person-first decision making
  - We serve patients, students, supervisees, families, coworkers

Summary
- Employ a process for decision making
  - Process will influence outcome
  - Follow a stable process to make decisions more consistent and equitable
- Educate your employer & your consumers about our Code of Ethics
  - Encourages strong boundaries that will be respected by others
Summary

› Use the many resources available, consult with others
  ◦ The more facts and points of view considered, the more likely you are to make a wise decision
  ◦ ASHA Resources:
    • http://www.asha.org/practice/ethics/ for resources, procedures

ASHA Ethics Flow Chart

AAA Ethics Flow Chart - Flow chart for professionals - Ethics violations for AAA members

AAA Ethics Flow Chart - Flow chart for consumers - Ethics violations for AAA members

AAA Ethics Flow Chart - Flow chart for consumers - Ethics violations for non-AAA members

Pointers for Resolving Ethical Dilemmas

› Contact Ohio Licensure Board for assistance and guidance

› Licensure board’s Executive Director, Gregg B. Thornton, directly at (614) 644-9046 or gregg.thornton@slpaud.ohio.gov.
Pointers for Resolving Ethical Dilemmas

- Contact Ohio Department of Education – MSP Coordinator – Mark Smith
  (614) 752-1493; mark.smith@ode.state.oh.us
- Contact Ohio Department of Education – Office for Exceptional Children
  (614) 466-2650; exceptionalchildren@education.ohio.gov
- Website: http://education.ohio.gov/Topics/Special-Education/Office-of-Exceptional-Children-Contact-Information
- Seek legal counsel
  As a last resort, you can seek legal assistance from a private attorney, who specializes in employment law.

Pointers for Resolving Ethical Dilemmas

- Additional Resources
- Ohio Master’s Network Initiatives in Education (OMNIE)
  Website: www.omnie.ocali.org
- Speech and Language Guidelines

Facebook page:
https://www.facebook.com/OhioBoardOfSpeechLanguagePathologyAndAudiology

Resources for School Based Licensees
http://slpaud.ohio.gov/SBL.stm

BOARD UPDATES

- Reporting alleged violations to the Board
- Report misleading any alleged violation of Chapter 4753 to the Board at:
  Ohio Board of Speech-Language Pathology and Audiology
  77 South High Street, Suite 1659
  Columbus, Ohio 43215-6108
  Telephone: (614) 644-9046
  E-mail: Board@slpaud.ohio.gov
REMINDER

› Notify the board in writing at board@slpaud.ohio.gov of any change to your contact information, i.e., home, business or e-mail addresses and/or name change

› Updating your contact information is not only required under board rule, but also will ensure you receive important updates such as renewal notices and the eNewsletter

Questions?

Contact Information

Gregg Thornton

Email: gregg.thornton@slpaud.ohio.gov
Ohio Board of Speech-Language Pathology and Audiology