

**MAKE GOOD CHOICES
(AND I AM NOT TALKING
RAISIN BRAN)**

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Presenter: Georgia Hambrecht, Ph.D.



FINANCIAL
AND/OR
NONFINANCIAL
DISCLOSURES

Disclosure: Dr. Hambrecht has the following relevant financial relationships to disclose: she received royalties from Jones & Bartlett Learning and Plural Publishing and salary from WCU. She has no relevant non-financial relationships to disclosure.



**A BIT ABOUT
THE
PRESENTER:**

Georgia Hambrecht, Ph.D., is a professor of Communication Sciences and Disorders at Western Carolina University from 2004 to present. She was a professor at Indiana State University from Doctoral 1981 to 2004. She has earned a degree from Kent State University (1982), a Master's degree from Western Illinois University (1975), and a Bachelor's degree from Bowling Green State University (1974). She is co-author of two textbooks. She is retiring at the end of this semester.

I WANT TO ACKNOWLEDGE THE 2020
PROFESSIONAL ISSUES CLASS FOR THEIR
ASSISTANCE IN REVISING THE TASKS.
SPECIAL THANKS TO MORGAN MAC KAY
FOR HER HELP IN THE POWER POINT
DESIGN



LEARNING
OUTCOMES:

- Participant will describe the characteristics of ethical and legal
- Participant will describe three theoretical ethical models
- Participant will reflect on ethical habits they wish to develop

- Would you please have a pencil and paper at hand as I will ask you to do some jotting down of answers as we move through the PowerPoints.

ROMPER ROOM: MY EARLIEST EXPERIENCE WITH VIRTUAL TEACHING AND ETHICS TEACHING

Magic Mirror: I see.....



Do Bee a ...
Don't Bee a ...



BUILD A HOUSE

- **Build the house in which you would want to live**
- By Sandra Lewis, Ph.D., Florida State University
- Executive Editor, RE: View
- The story went something like the following:

A man, who had been employed for most of his adult life by a major construction company, was approaching the end of a successful career. He had distinguished himself there as a master builder and was proud of the fine craftsmanship on the homes he had built. His pride was justified as he had paid careful attention to each of the details and was ready to retire to a quiet life of time with his family and fishing.

Anticipating his retirement, the company did not place him in charge of any new projects during his final months on the job. One day, however, his employer approached him and asked him to build one last house, explaining that this project was for a special customer who deserved nothing but the finest. The employer pressured the builder until he finally, reluctantly and resentfully, agreed to do the job.

In fact, his resentment was so strong that he found himself just going through the motions. For the first time in his career, he cuts corners, bought parts based on their availability and not their quality, and abandoned the high standards of workmanship that had been his hallmark. His only thought was to finish the house. He did not care that the new owners would have problems with their house in the future- he would not be around to deal with them.

When the house was completed, he handed the keys to his employer who immediately handed them back. “You have done so much for us over the years,” he said “that we wanted to give you the gift of one of your fine homes. Live in it and enjoy the fruits of your craftsmanship until the end of your days.”



**WHAT IS
THE
MORAL OF
THE
STORY?**

The first moral of the story is: build every house as if you were going to be the one living in it.

Moral two is: ethical practice is a continual work in progress – a constant construction. You can not let up but need to practice daily ethical habits

CERTIFICATION VS. LICENSURE

As SLPs we are subject to/governed by several different entities.

	Certification	Licensure
Status	Voluntary	Mandatory
Provider	Associations such as ASHA	State regulatory agency
Purpose	Grants recognition and imposes restrictions of <u>practitioners</u> ; protect the public	Protects the <u>public's life</u> , health, safety or economic well being
Penalties for violation	Rescind membership/ or certification	Fines, incarceration, license revocation or suspension
Rules	Code of Ethics	Laws

ETHICAL/LEGAL: AREAS OF OVERLAP AND DIFFERENCES

What are some examples
that fit in each quadrant?

Think of examples that fit
in each quadrant.

	Plus Ethical	Minus Ethical
Plus Legal	#1	#2
Minus Legal	#3	#4

ETHICAL/LEGAL: AREAS OF OVERLAP AND DIFFERENCES

	Plus Ethical	Minus Ethical
Plus Legal	<p>Billing appropriately</p> <p>Identifying your appropriate title in person and on paperwork</p>	<p>Wearing gloves but not washing your hands following removal of gloves</p> <p>Knowing someone is violation the Code of Ethics but not reporting to ASHA</p> <p>Take so many clients the quality compromised</p>
Minus Legal	<p>Not billing a client for session unless they receive insurance</p> <p>Cheating on your income tax</p>	<p>Viewing pornography on your work computer</p> <p>Not getting continuing education hours but saying you did to ASHA and the licensing board</p> <p>Medicare fraud</p>

FIRST LEARNER OUTCOME

- Participant will describe the characteristics of ethical and legal

THREE COMMON ETHICAL THEORIES

How do we make judgments on what is a good or bad act?

Three families of moral values differentiated on characteristics, intentions (what you meant to do) and consequences (the outcome).

- Consequentialism – Mills – focus on doing the most good for the most people - the consequences – 1800's
- Deontology – Kant – focus on your duty or moral obligation – your intent – late 1700s
- Virtue Ethics – Aristotle – aiming to be an excellent person – Ancient Greece

THREE COMMON ETHICAL THEORIES

This is a simplistic
representation of
consequences vs. intent

Your intent is what counts
no matter the consequences
(Kant)

The consequences counts no
matter your intent (Mills)

Three families of moral values differentiated on characteristics, intentions (what you meant to do) and consequences (the outcome).

- Virtue Ethics – Aristotle – aiming to be an excellent person
- Deontology – Kant – focus on your duty or moral obligation – your intent
- Consequentialism – Mills – focus on doing the most good for the most people or the least harm to the fewest
- The theories can lead to the same conclusion by different paths or be in conflict. Do you tell the truth if it will likely lead to a bad outcome? Is “truth” a duty so you must maintain it no matter where it would lead?

ETHICAL THEORIES (CONTINUED)

- The common theory of Virtue Ethics – Aristotle
- It is not about the consequences (Mills) or the intent (Kant) but about aiming to be excellent humans – those character traits include justice, loyalty, and self-possession. Codes of Ethics (such as the Hippocratic Oath or ASHA’s Code of Ethics) developed from Virtue Ethics.
- All three theoretical points of view can have an impact on how you judge a course of action. Having no one theory “rule” results in more thinking about the issue and a more diverse view of moral values. Thinking about your ethical decisions is what I want to stress.

SECOND LEARNER
OUTCOME

- Participant will describe three theoretical ethical models

FILL-IN THE BLANKS – OUR CODE OF ETHICS

- Preamble
1. ASHA's first Code of Ethics was formalized in _____ (hint – year I was born).
 2. The last revision of the Code of Ethics was in _____ (hint – a sweet year).
 3. The two primary intents are to ensure welfare of _____ and to protect the reputation and integrity of the _____s_ (hint for last blank – 2 = speech pathology and audiology).
 4. Set up to guide professionals in support of _____ to _____ decision making related to professional conduct (hint- same short word twice).

FILL-IN THE BLANKS – OUR CODE OF ETHICS

- Preamble
1. ASHA's first Code of Ethics was formalized in **_1952_** (hint – year I was born).
 2. The last revision of the Code of Ethics was in **__2016__** (hint – a sweet year).
 3. The two primary intents are to ensure welfare of **_consumer_** and to protect the reputation and integrity of the **__professions_** (hint for last blank – 2 = speech pathology and audiology).
 4. Set up to guide professionals in support of **_day_** to **_day_** decision making related to professional conduct (hint- same short word twice).

FILL-IN CONTINUED

5. Those subject to the jurisdiction of the Code of Ethics include members with CCC, non member with CCC, member without CCC and _____ for membership or certification (hint – I put this one in for students in the audience).
6. The code has _____ Principles of Ethics (hint – count them below).

These include:

- Principle I – responsibility to persons served professionally and to research participants both human and animal
- Principle II – responsibility for one’s professional competency and performance
- Principle III – responsibility to the public when advocating for unmet needs and providing information
- Principle IV – responsibility for professional relationships and standards

FILL-IN CONTINUED

5. Those subject to the jurisdiction of the Code of Ethics include members with CCC, non member with CCC, member without CCC and **_applicants_** for membership or certification (hint – I put this one in for students in the audience).
6. The code has **_4_** Principles of Ethics (hint – count them below).

These include:

- Principle I – responsibility to persons served professionally and to research participants both human and animal
- Principle II – responsibility for one’s professional competency and performance
- Principle III – responsibility to the public when advocating for unmet needs and providing information
- Principle IV – responsibility for professional relationships and standards

FILL-IN CONTINUED

7. The Code of Ethics is not all inclusive of all possible ethical dilemmas so you are expected to uphold the _____ of the document (hint – a synonym for ghost).

- So while ASHA provides us help and direction, you will also bring your personal morals/ethics into your decisions.

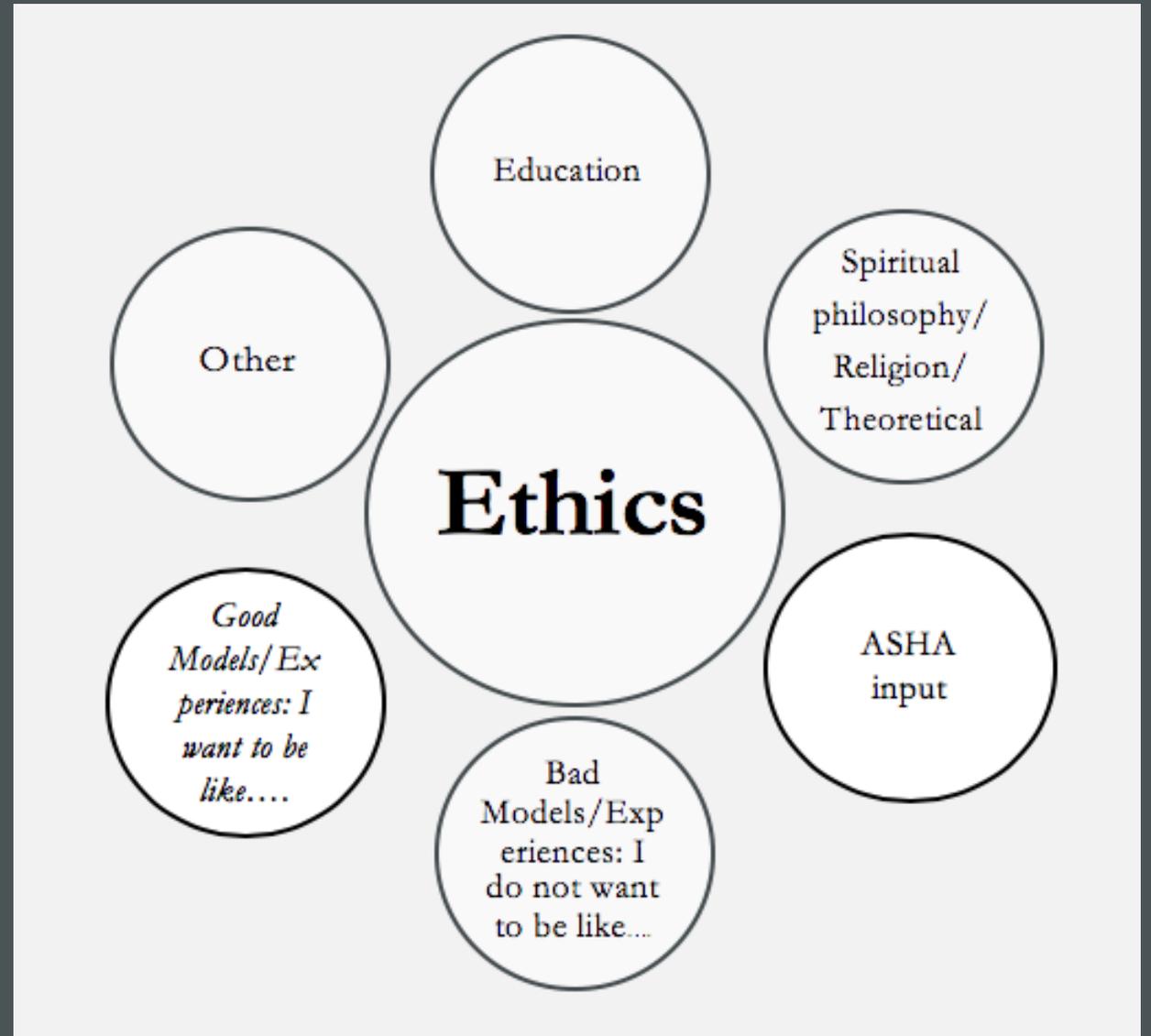
FILL-IN CONTINUED

7. The Code of Ethics is not all inclusive of all possible ethical dilemmas, so you are expected to uphold the **_spirit_** of the document (hint – a synonym for ghost).

- So while ASHA provides us help and direction, you will also bring your personal morals/ethics into your decisions.

YOUR MAP OF
ETHICAL
INFLUENCES:

FILL IN ITEMS
UNDER EACH
CATEGORY
THAT HELPED
FORM YOUR
ETHICS



APPLICATION

Ethel's Private Practice: A Modern Parable

Once upon a time there was a woman named Ethel who worked hard for her master's degree in CSD and opened a private practice for speech-language remediation that employed several clinicians. After two years Ethel's practice was floundering and in the red. Ethel knew she had to make some drastic changes. She hired another SLP from her graduate cohort, Cutter, who while not her favorite person as she once saw him cheat on an ethics exam, but had great ideas to help keep the business open.

New practices suggested by Cutter were put into place. Employee perks like ASHA dues and paid continuing education hours were cut. Sessions were cut from 30 minutes to 20 minutes while billing insurance for the full 30 minutes was continued. Cleaning solutions were cut with water so they lasted longer. Ethel had some sleepless nights over the changes but in the end felt keeping the practice open was so important for the clients that a few corners could be cut.

Heidi, one of the clinicians, noticed the changes but was afraid to ask Ethel about them as she might lose her job. She really needed this job as she supported her aging mother. Heidi secretly began searching for other jobs. She found one in a near by town and left immediately the afternoon it was offered. She called in sick to Ethel for a week as she was owed sick leave she had not taken and started the new fabulous job. She was so happy to leave that she immediately forgot Ethel, Cutter, and her former clients. After all, there was nothing she could do for any of them. She felt great about all her decisions.

**1. RANK THE
THREE
CHARACTERS
BEGINNING WITH
THE ONE YOU
CONSIDER TO BE
THE MOST
OFFENSIVE AND
END WITH THE
ONE YOU
CONSIDER LEAST
OBJECTIONABLE**

- 1 = Most unethical
- 2 = In the middle
- 3 = Least reprehensible
- Include why you ranked the characters as you did. Compare and discuss your choices with a partner.

Character	Rank	Justification of Rank
Ethel		
Cutter		
Heidi		

2. IDENTIFY AN
EXAMPLE FROM
THE STORY IN
EACH OF THE 4
QUADRANTS OF
THE
ETHICAL/LEGAL
COMPARISON
TABLE.

	Plus Ethical	Minus Ethical
Plus Legal	#1	#2
Minus Legal	#3	#4

2. IDENTIFY AN
EXAMPLE FROM
THE STORY IN
EACH OF THE 4
QUADRANTS OF
THE
ETHICAL/LEGAL
COMPARISON
TABLE.

	Plus Ethical	Minus Ethical
Plus Legal	Cutting perks Searching for new job	Abandoning clients Not reporting infraction to ASHA
Minus Legal		Billing for time not served (fraud) Not reporting infraction to licensure board

**3. CONSIDER EACH OF
THE PRINCIPLES OF
THE CODE OF
ETHICS.**

- Principle I – responsibility to persons served professionally and to research participants both human and animal
- Principle II – responsibility for one’s professional competency
- Principle III – responsibility to the public
- Principle IV – responsibility for professional relationships

4. WHICH OF THE
FACTORS BELOW
SEEM TO HAVE
INFLUENCED
YOUR RANKING?

- Code of Ethics
- Ethical Theory (intent/outcome)
- Spiritual/Religious Beliefs
- Personal Experience (Good or Bad Professional Models)
- Other

5. WRITE A
CONCLUSION FOR
THE STORY STATING
SOMETHING ABOUT
THE
CONSEQUENCES
TO EACH
CHARACTER A YEAR
LATER

- What happened to Ethel?
- What happened to Cutter?
- What happened to Heidi?

THIRD LEARNER OUTCOME

- Participant will reflect on ethical habits they wish to develop

“TALENT IS A GIFT – CHARACTER IS A CHOICE”.

MAXWELL P.44

- I believe we need to build habits of choosing to be ethical every day. We need to develop ethical habits, so these then become second nature to us.
- ASHA provides help to be ethical by providing its members with a Code of Ethics. By joining ASHA you have agreed to follow this code. As you know – the Code of Ethics has a preamble, 4 principles and numerous rules. Remember it was developed to support you in day-to-day decisions making. Use the spirit of the document to help you make Good Choices.
- Litmus test: Would you be proud to read about your decisions in the ASHA Leader?

YES – ASHA DOES
PUBLISH THE
NAMES,
CITY/STATE OF
RESIDENCE.
ETHICAL
VIOLATION AND
SANCTIONS IN
THE *ASHA*
LEADER

Sanctions can include:

- Reprimand - (Disclosed only to person found in violation and original filer of complaint.)
Used for minor violations.
- Censure – A public reprimand.
- Suspension – A short (maybe 6 months) suspension/interruption of ASHA membership and certification
- Revocation – Withdrawing individual's ASHA membership and/or certification for a period of years up to lifetime. Due to major infarction.
- Cease and Desist Order – Used in addition to the above sanctions – prohibiting the continuation of the behavior.

Sarah C Cicconetti; West Carrollton, Ohio	Engaged in an inappropriate relationship with the parent of a child on her speech-language pathology caseload, resulting in a public sanction by the Ohio Board of Speech Language Pathology and Audiology; failed to self-report the public sanction from the board to ASHA Standards and Ethics	Censure (public reprimand), effective Sept 4 2018
Amanda L Douglas; Katy, Texas	Did not use best practices in providing SLP services to students; documented services not provided, misrepresented the length of services provided, and failed to maintain appropriate and accurate records and documentation for services provided; failed to provide services for multiple students for extended periods of time	Censure (public reprimand), effective Sept 4 2018
Carol E Garner; South Lebanon, Ohio	Convicted of a misdemeanor in the first degree for possession of heroin in Ohio and provided false information regarding these charges to the Ohio Board of SLP and Audiology; failed to self-report the misdemeanor conviction or the professional discipline she received from the Ohio Board to ASHA Standards and Ethics; and failed to respond to correspondence from ASHA Ethics regarding the complaint of alleged violation	Withholding of membership and certification for five years, effective Aug 17 2018
Richard Kalunga; Reston, Virginia	Attested to completing required continuing education on his license renewal application, failed to provide documentation supporting his completion of required continuing education as requested by the Virginia Board of Audiology and Speech-Language Pathology, failed to respond to the board's audit requiring evidence of continuing education, failed to pay the board's imposed fine, and failed to self-report the professional discipline he received from the board to ASHA Standards and Ethics	suspension of membership and certification for six months, effective Aug 22, 2018
Kerry D Nau; Arroyo Grande, California	Received the professional discipline of a stayed revocation by the California Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board with conditions including probation through January 2020 resulting from two misdemeanor convictions for driving under the influence of alcohol; and failed to self-report the professional discipline she received from the board to ASHA Standards and Ethics	suspension of membership and certification for 24 months, effective Aug 16, 2018
LaTonhya F Parker; Johnsonville, SC	Stipulated to, and found guilty of medical assistance provider found by submitting false documentation of South Carolina's Department of Health and Human Services, resulting in the revocation of her SC speech-language pathology license	revocation of membership and certification for five years, effective Aug 16 2018
Linda S Oliver; St. Lous, Missouri	Falsified records, submitted billing for services not provided, and forged a patient's signature, failed to self report her settlement agreement with the Missouri State Board of Registration for Healing Arts to ASHA Standards and Ethics	suspension of membership and certification for 12 months, effective Aug 16, 2018
Lisa A Carriere; Caldwell, Idaho	Pleaded guilty in the third judicial district court of Idaho to a misdemeanor for striking a six-year old special needs child on the face during a therapy session and leaving before the child was calm	revocation of membership and certification for 24 months, effective April 36, 2017
Meghan C Doyle; Atlanta GA	Engaged in an inappropriate relationship with a minor student on her caseload despite multiple warnings from colleagues and supervisors, while neglecting other students on her caseload due to her focus on the romantic relationship	revocation of membership for seven years and withholding of certification for seven years, effective April 28 2017
Jennifer N Austin; Costa Mesa, CA	Received disciplinary action in 2014 by the California Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board secondary to convictions in New Jersey related to fraud and substance abuse; and failed to respond to the Board of Ethics complaints against her	withholding of membership and certification for ten years, effective May 2 2018
Allison L Malone; Fort Myers, Florida	Presented an altered ASHA member/certification card	withholding of membership and certification for twelve months, effective April 17, 2018
Monica M Patterson; San Juan, Texas	Found guilty by a jury in 2017 of four felonies in the 370th district Court of Hidalgo County, Texas, including capital murder; theft of property of \$200,000 or more; for of more than \$100,000 but less than \$200,000 and misapplication of property as a fiduciary	withholding of membership and certification for life, effective May 2, 2018
Jodi P Creighton; Cincinnati, Ohio	Accessed and viewed without authorization electronic health records for patients not on her caseload, capturing screenshots of the records, and failing to secure her medical records system user ID and password, resulting in violations of patients' privacy and confidentiality necessitating notification of the security breach; violated federal regulations, licensure law and regulations leading to revocation of her Ohio audiology license; and failed to self report her professional discipline to ASHA Standards and Ethics	revocation of membership and certification for 20 years, effective Aug 23, 2017

ASHA'S ACTIONS SINCE 2016 – BAD CHOICES MADE BY FELLOW ASHA MEMBERS

<p>Richard Kalunga; Reston, Virginia</p>	<p>Attested to completing required continuing education on his license renewal application, failed to provide documentation supporting his completion of required continuing education as requested by the Virginia Board of Audiology and Speech-Language Pathology, failed to respond to the board's audit requiring evidence of continuing education, failed to pay the board's imposed fine, and failed to self-report the professional discipline he received from the board to ASHA Standards and Ethics</p>	<p>Suspension of membership and certification for six months, effective Aug 22, 2018</p>
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ASHA'S ACTIONS SINCE 2016 – BAD CHOICES MADE BY FELLOW ASHA MEMBERS

<p>Meghan C Doyle; Atlanta GA</p>	<p>Engaged in an inappropriate relationship with a minor student on her caseload despite multiple warnings from colleagues and supervisors, while neglecting other students on her caseload due to her focus on the romantic relationship</p>	<p>Revocation of membership for seven years and withholding of certification for seven years, effective April 28 2017</p>
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ASHA'S ACTIONS SINCE 2016 – BAD CHOICES MADE BY FELLOW ASHA MEMBERS

<p>Jodi P Creighton; Cincinnati, Ohio</p>	<p>Accessed and viewed without authorization electronic health records for patients not on her caseload, capturing screenshots of the records, and failing to secure her medical records system user ID and password, resulting in violations of patients' privacy and confidentiality necessitating notification of the security breach; violated federal regulations, licensure law and regulations leading to revocation of her Ohio audiology license; and failed to self report her professional discipline to ASHA Standards and Ethics</p>	<p>Revocation of membership and certification for 20 years, effective Aug 23, 2017</p>
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TAKE HOME

- Strive to be ethical - make good choices - every day.
- Use the Code of Ethics not just for those major dilemmas but for guidance in the everyday decisions.
- Being an ethical clinician is not always easy but is an important part of your professional obligation.

REFERENCES

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QUESTIONS?