



AAA and ADA Ethical Practice Guidelines

Academy of Dispensing Audiologists
Sanibel Island
October 2003



It's the other person...



- ◆ People, in general, are inclined to feel their situation is unique and that no one else is faced with the same challenges, constraints and operational realities that they have to deal with on a daily basis.

Core Values

- ◆ But, by joining a group, this individual becomes unified behind a core of shared beliefs.
- ◆ The organization's values then become the foundation upon which a code of conduct is developed. *Jerry Brown, Ethics Resource Center, 2003.*

Why Have a Code of Ethics?

- ◆ Open disclosure of the way an organization operates.
- ◆ Provides visible guidelines for behavior.
- ◆ Serves as an important communication vehicle that reflects the covenant that an organization has made to uphold its most important values, dealing with such matters as ...its standards for doing business and its relationship with the community.

Driscoll, Dawn-Marie and W. Michael Hoffman, Ethics Matters: How to Implement Values-Driven Management, 2000.

What is a Code of Ethics?

- ◆ A tool to encourage discussions of ethics and to improve how members deal with ethical dilemmas, prejudices and gray areas encountered on a daily basis.
 - ◆ A system to complement relevant standards, policies and rules, not to substitute for them.
 - ◆ Invaluable opportunity for responsible organizations to create a positive public identity for themselves which can lead to a more supportive political and regulatory environment and an increased level of public confidence and trust among important constituencies and stakeholders.
- Principles of Stakeholder Management, The Clarkson Centre for Business Ethics, 1999.

How did ADA get involved in this process?

- ◆ Frank Bucaro, former instructor of moral theology and author of *Taking The High Road -- How To Succeed Ethically When Others Bend The Rules* is selected as Keynote speaker in November, 2001, for Fall 2002 ADA Convention
- ◆ Background includes work with several hearing aid manufacturers; understood our profession's transition from retail to health care arena
- ◆ Mr. Bucaro also agrees at that time to participate in an additional panel discussion on Ethics

ADA Timeline

- ◆ Dennis VanVliet, an active ADA and AAA member, agrees to chair the panel
- ◆ Enron and other business scandals start to break in December 2001
- ◆ Session held at AAA in Spring 2002 begins initial discussions on topic, referencing “Patient Perceptions Study”

ADA Timeline

- ◆ Pharmaceutical Research and Manufacturers of America voluntarily establishes Code on Interactions with Health Care Professions, effective July 1, 2002 in response to warning by Office of Counsel to the Inspector General (OIG)
- ◆ Advisory Bulletin from OIG issued in the Federal Register, August 30, 2002, “addressing the offering of gifts and other inducements to Medicare and Medicaid beneficiaries”.

ADA Timeline

- ◆ “Potential Conflicts of Interest as Viewed by the Audiologist and the Hearing-Impaired Consumer” by Hawkins, et al, is published in Audiology Today, in the Fall 2002
- ◆ ADA Convention takes place with panel discussion on ethics– participants included David Fabry, Angela Loavenbruck, Bryan Liang, Frank Bucaro, Carole Rogin from HIA
- ◆ ADA learns that AAA is working on a draft ethics document and agrees to work jointly on project
- ◆ Work is completed on the document as of 3/21/03



ADA Timeline



- ◆ Ethical Practice Guidelines on Financial Incentives Relative to the Practice of Audiology posted on ADA Website and sent out to members via ADAAlert

ADA's Code of Ethics Written in 1975

Preamble:

The Code of Ethics of the Academy of Dispensing Audiologists Has As Its Purpose the Assurance of the Highest Quality of Professional Service Rendered to Those Served. Each Member of the Academy Shall Abide by This Code of Ethics.



ADA Code of Ethics

Six Fundamental Principles of Ethics

- ◆ **To Protect the Welfare of Persons Served Professionally**
- ◆ **To Maintain High Standards of Professional Competence, Integrity, Conduct and Ethics**
- ◆ **To Maintain a Professional Demeanor in Matters Concerning the Welfare of Persons Served**



ADA Code of Ethics

Six Principles of Ethics

- ◆ To Provide Accurate Information to Persons Served and to the Public About the Nature and Management of Auditory Disorders and About the Profession and Services Provided by its Members
- ◆ To Engage in Conduct Which Shall Enhance the Status of the Profession
- ◆ To Maintain Ethical Standards and Practices of the Academy of Dispensing Audiologists

Principle II: To Maintain High Standards of Professional Competence, Integrity, Conduct and Ethics

- ◆ Member's clinical judgment and practice must not be determined by economic interest in, commitment to or benefit from, professionally related commercial enterprises
- ◆ Members shall conduct business affairs in a manner consistent with all applicable state and federal regulations.



Principle III: To Maintain a Professional Demeanor in Matters Concerning the Welfare of Persons Served

- ◆ Members shall provide only those procedures, products and services that, according to the member's best professional judgment, are in the best interests of the client.



Principle IV. To Provide Accurate Information to Persons Served...

- ◆ Promotional activities used by members shall comply with applicable state and federal laws, rules and regulations.



Principle VI. To Maintain Ethical Standards and Practices of the Academy of Dispensing Audiologists

- ◆ Members agree to govern their professional activities by this Code of Ethics.



TERMS



- ◆ Ethics
- ◆ Conflict of Interest
- ◆ Kickback
- ◆ Quid Pro Quo

Ethics

- ◆ 1 the discipline dealing with what is good and bad and with moral duty and obligation
- 2 **a** : a set of moral principles or values **b** : a theory or system of moral values <the present-day materialistic *ethic*> **c** *plural but singular or plural in construction* : the principles of conduct governing an individual or a group <professional *ethics*> **d** : a guiding philosophy



Ethics



Principles may be viewed either as the standard of conduct that individuals have constructed for themselves or as the body of obligations and duties that a particular society requires of its members.



Conflict of Interest

- ◆ Date: 1850
 - : a conflict between the private interests and the official responsibilities of a person in a position of trust

Conflict of Interest

- ◆ We all have conflicts—demands from our patients, families, employers, etc.
- ◆ We have to establish priorities and resolve those conflicts all the time
- ◆ Being in a conflict of interest situation is not unethical--- it's how we resolve that conflict that determines its ethics

Kickback

- ◆ 2 : a return of a part of a sum received often because of confidential agreement or coercion <every city contract had been let with a ten percent *kickback* to city officials -- D. K. Shipler>

Quid Pro Quo

- ◆ Etymology: New Latin, something for something
Date: 1591
: something given or received for something else; *also* : a deal arranging a quid pro quo



Three important questions

- ◆ What does it mean to be a professional?
- ◆ What is a conflict of interest?
- ◆ Why are our two associations concerned about these issues?



Risk or Harm



- ◆ Harm Rules
- ◆ Risk Rules



Harm vs. Risk



- ◆ “A harm rule is about sin, a risk rule is about temptation.” Kevin McMunigal



Other professional efforts

- ◆ AMA and PHARMA guidelines
- ◆ Working Group for Communication of Ethical Guidelines for Gifts to Physicians from Industry

PhRMA code

- ◆ no grants, scholarships, subsidies, support, consulting contracts, or educational or practice-related items should be provided or offered to a healthcare professional in exchange for prescribing products or for a commitment to continue prescribing products. "Nothing should be offered or provided in a manner or on conditions that would interfere with the independence of a healthcare professional's prescribing practices."



OIG guidelines



- ◆ 10/02 - OIG warned pharmaceuticals not to offer any financial incentives to doctors, pharmacists or other health care professionals to prescribe or recommend particular drugs, or to switch patients from one medicine to another.
- ◆ OIG warned that many commonly used in the marketing and sale of prescription drugs could run afoul of federal fraud and abuse laws.

OIG Guidelines

- ◆ drug makers can violate the kickback statute when they offer entertainment, recreation, travel, meals or similar benefits; sponsor "educational conferences"; when they offer research grants, gifts, gratuities and "other business courtesies" to doctors, hospitals and other health care providers who influence the prescribing of drugs.



Presidential Task Force on Ethics
Chair: Brian Walden
Ex Officio: Fabry, Loavenbruck, Doyle

- Lu Beck
- Fred Bess
- Gail Gudmundsen
- David Hawkins
- Patti McCarthy
- Dennis Van Vliet



Task Force on Manufacturer/Audiologist Relationships



- ◆ Deb Abel, private practice
- ◆ Fred Fritz, Songbird
- ◆ Patricia Gans, private practice
- ◆ Stephen Gonzenbach, VA
- ◆ David Hawkins, Mayo Clinic
- ◆ Cathy Henderson Jones, Phonak
- ◆ Marilyn Larkin, private practice
- ◆ Louis Siemenski, private practice
- ◆ Thomas Tedeschi, Sonic Innovations
- ◆ Teri Hamill, Nova Southeastern University, Chair



What sets professions apart from other occupations?



- ❖ Professionals are assumed to put their client's interests ahead of their own interests.
- ❖ Society permits a high degree of self-governance to professions.



A Code of Ethics

- ❖ Codifies the trust relationship that is assumed to exist between the members of a profession and their clients.
- ❖ Defines professional practices that are generally accepted and adhered to by members of profession.
- ❖ Represents enforceable rules of conduct for a profession.



AAA Code of Ethics



Rule 4c: “Individuals shall not participate in activities that constitute a conflict of professional interest.”

Recommendations: Ethics Education for Audiologists

1. The ethical positions of Academy leaders must be regularly communicated to the membership.
2. The BOD must encourage educational programs to make a stronger commitment toward ethics education.
3. The Academy must provide ethics education training, including methods of ethics education, to university faculty.
4. The Academy must sponsor/develop continuing education programs designed to educate members regarding professional ethics, consulting with experts in ethics education.

General Guidelines

- ◆ When potential for conflict of interest exists, the interests of the patient must come before those of the audiologist.
 - Incentives or rewards based upon product purchases must not be accepted, including cash, gifts, incentive trips, merchandise, equipment or credit towards such items.
 - Also includes inventions to private parties, or accepting such items as theater tickets, or private golf outings, etc.



General Guidelines



- ◆ Commercial interest in any product or service recommended must be disclosed to the patient

General Guidelines

- ◆ Travel expenses, registration fees, or compensation for time to attend meetings, conferences or seminars should not be accepted directly or indirectly from a manufacture
 - Trips sponsored that are solely educational may be accepted provided that the trip does not reward the audiologist for past sales or commit the audiologist to future sales.



General Guidelines

- ◆ Free equipment or discounts for equipment, institutional support or any form of remuneration from a vendor for research purposes should be fully disclosed and the results of the research must be accurately reported.



Q & A

- ◆ What city does this scene remind you?



Q. Why are AAA and ADA reviewing this issue?

A. Past practices are not consistent with our role as a Doctoring Professional



Q. Why would audiologists want to adhere to these guidelines?

- ◆ A. Self regulation = Independent Practice



Q. What if the audiologist is acting in the patient's best interest and is not influenced by manufacturer incentives?

- ◆ **A. It's the appearance that counts – not the intent.**



Q. Are trips, vacation packages, gift certificates, cruises or cash paid for by manufacturers allowed?

- ◆ **A. No – Activity is clearly linked to a conflict of interest and kickback.**

Q. What is the difference between acceptance of a trip or receiving a bigger discount?

- ◆ A. One represents a kickback the other is a good business practice.

Q. What if the trip offered is to a manufacturer's facility for the purpose of training?

- ◆ **A. Cannot be tied to purchases.**
- ◆ - The travel must be solely for educational purposes.
- ◆ - The travel expenses should only be those strictly necessary.
- The conference or training must be the reason for the trip.



Q. What if a manufacturer's representative wants to update an audiologist on a new product over lunch/dinner?

- ◆ Does not represent a conflict of interest.

Q. Should an audiologist attend third party dinners and parties that are held at conventions/conferences?

- ◆ A. - The event should be disclosed to, and open to, all registrants.
- ◆ The educational component of the conference should account for a substantial portion of the total time spent at the convention.

Q. May an audiologist obtain a loan from a manufacturer in order to purchase equipment and then repay a portion of the loan with every hearing aid purchased?

- ◆ A. An audiologist is free to make such a loan as long as the repayment is not tied to a particular number of purchases.



Q. May an audiologist “co-op” advertising costs with a manufacturer?

- ◆ A. Yes, as long as there is no linkage with product sales.



Q. Are researchers responsible for the vendor interpretation of their work product?

◆ A. Yes.

Q. Who is the Manager of Hearing & Balance Care?

