

Thinking about Ethics

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Why talk about Ethics?

- The topic of ethics in government continues to receive increasing attention in the news media (often business related issues)
- There are increasing examples of concerns in the profession. (Often patient/professional related issues)
- A belief that through education and discussion of these topics, individual awareness and behaviors are openly considered and talked about.

Who is the Source Authority?

- Neither Steve nor I are source authorities
- For Business related Questions:
 - Regional Counsel's Office
 - Local Compliance Office
- For Patient related Questions:
 - Local Patient Ethic's Committee

Today's Presentation is:

- NOT to set standards of the right or wrong approach to patient care
- NOT to judge any one on how they conduct their professional practice
- *To encourage open discussion as means of ensuring high standards of patient care*



Discussion Topics for Today

- The Origin of Ethical Concepts
- Factors and Forces Affecting Ethics
- A Universal Truth
- Potential Areas of Ethical Concern
- A Comment on Business Ethics
- Exploring Ethical Issues in Professional Practice

Our Learner's Goals

- To encourage reflection about your personal morals and how they affect your professional practice
- Provide a forum for discussion and review of professional issues in a non-judgmental environment
- To encourage you to actively seek opinion and comment from your colleagues on issues that affect you and your patients in daily professional practice.

Understanding True Interests

- Socrates
 - Often thought of as a leader in ethical thinking, but did not ask ethical questions
 - We know that Socrates only inquired into *matters of human concern*.
 - He fostered a search for reasons and ends
 - Doctors think about how to promote health, businessmen about how to earn money
 - Are these not conditions of happiness and a good life?

The Socratic Questions

- Focus on enhancing critical thinking skills
- Critical thinking is the process we use to reflect on, assess and judge the assumptions underlying our own and others ideas and actions
- Critical thinking is an integral part of ethical development

Types of Socratic Questions

- Questions for clarification
- Questions that probe assumptions
- Questions that probe reasons and evidence
- Questions about Viewpoints and Perspectives
- Questions that probe implications and consequences
- Questions about the question

Socratic Question Example

- Does the College forbid this activity because it is wrong, or is it wrong because the College forbids it?

Socrates and Arete

- Virtue is the moral excellence of the soul
 - Continual examination of life
 - A life unexamined may not be worth living
 - The pursuit of truth, virtue and questioning everything leads to improved understanding
 - How do virtue and volition interact

A Socratic Audiology Question

- The presence of tinnitus results in compensation or does the presence of compensation result in tinnitus?

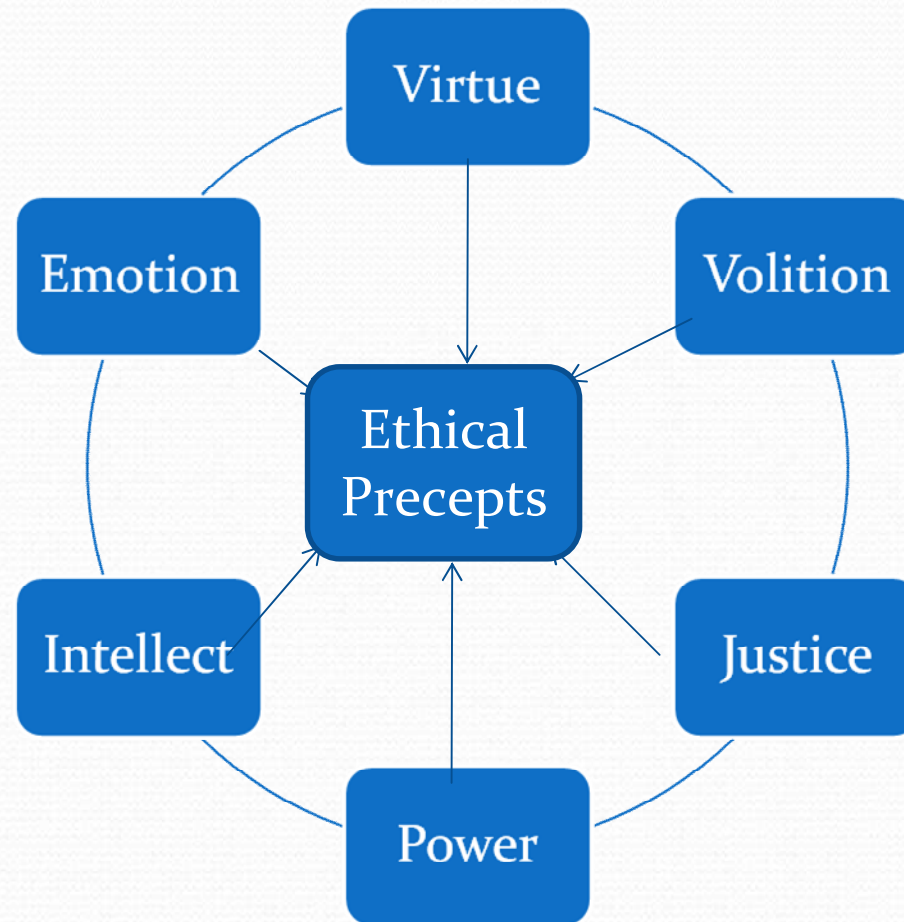
Foundations of our Ethics

- Values
 - Family
 - Religion
 - Culture
 - Acquisition of Knowledge
- Doing the right thing
 - Be a beneficent person (virtuous)
 - No one knowingly does evil (intent)
 - Personal morals (knowing right and wrong)

And Random House Says...

- A complex of moral precepts held;
- Rules of conduct followed by an individual;
- Values governing a particular culture or group.

Factors and Forces





Do Your Personal Ethics...

- Exist to control your behavior or inspire you to greater heights?
- Set a series of traits that you will adhere to or aspire to?
- Establish the traits you will exhibit when dealing with others?

A Universal Truth

- Primum non nocere
- Attributed to Hippocrates but not in the oath taken by medical practitioners. Possibly in his Book *Epidemics*
- “...make a habit of two things — to help,

or at least to do no harm.”

A Professional Truth

Many Doctors of Audiology take an oath...Fashioned after Hippocratic thinking:

I will willingly do no harm, but rather always strive to provide care according to the standards of the profession.

Ethical Concerns

- Commonly we think of business relationships
- All of us take annual training in the area of compliance and business ethics.
- We should be quite familiar with concerns in this venue.

Who are the Experts?

- For business oriented ethics questions:
 - Regional Counsel
 - Local Compliance Officer
- For Patient Oriented ethics Questions:
 - Local Patient's Ethics Committee

Ethical Dilemmas are not limited to business

- Academic
- Workload
- Confidentiality
- Evaluation and Management
- Patient Related
- Pay or funding source
- Referral
- Family
- Research
- Co-worker or Supervisor

A Comment on Business Ethics

- There are extensive rules and regulations that we, as employees of the executive branch, are subject to.
- There are good websites and experts who can help us with these concerns.
- Notwithstanding, it is important to understand that inappropriate use of certain business resources could lead you into troubled waters.

No Mug? Drug Makers Cut Out Goodies for Doctors



Dr. Jeffrey F. Caren, a cardiologist in Los Angeles, created a display of the hundreds of pens given to him by the drug industry.

New York Times
December 31, 2008

Let's Consider: Giveaways

- Drug makers cut out goodies for Docs
- Voluntary guidelines to stop branded giveaways
- Mugs, pens, post its, etc.
- “Dr. Phillip Freeman, a psychiatrist in Boston, said that physicians who contended that the giveaways were benign might be suffering from denial.”
- “The need to deny influence is damaging to the soul,” Dr. Freeman said

What the [Blank]?

- *Washington Post* February 8, 2009; Page W32
- “...for about 10 days in January, the principal electronic communications system of the U.S. State Department was seriously disabled.”
- Instead of ignoring it or erasing it, many tapped out indignant requests not to be so bothered, and then hit "reply all."
- Consider that with 700 people in a national e-mail group and 200 decide to reply to all, that creates 140,000 messages.....and so on.....

Let's Consider: E-mail

- Remember that e-mail is a government resource to facilitate communication among employees
- It is not a tool to allege, accuse or imply wrong doing of employees or the patients we serve
- Neither is e-mail private –
Could you be comfortable with it appearing on the National News or in the Washington Post or the New York Times?



Issues in Practice:

The Performance Measure

- New patients will be seen in 30 days or less 94% of time
- Management sets demands that you meet the measure
- Additional resources are not provided
- Success in your personal performance rating will directly reflect achievement of the performance measure

Performance Approaches

- Shorten the time I spend with each patient
- What could I do?
 - Reduce the interview questions
 - After all he has a SNHL, pass on bone conduction
 - Use MLV for speech tasks, saves time
 - Just perform a screening tympanometry, don't bother with ART
 - Remember to code 92557 and 92567 for the encounter

Some Questions?

- Am I compromising quality of patient care?
- Will abbreviating an evaluation procedure make any difference in the care I provide?
- What information does tympanometry contribute to a SNHL?
- Has there been any harm to anyone?

Issues in Practice:

The Constant Loser

- Mr. Smith is a priority 8 veteran. He lives alone. He has a significant hearing loss and communication problems
- He is a well intentioned gentlemen who is well known by everyone in the ASPS Clinic.
- He exhibits forgetfulness but knows he has a problem and is very upset by it all
- He stops by the clinic today as he has lost his hearing aids again, the sixth set in the last 10 months

Constant Loser Approach

- We know that Mr. Smith will lose the next set hearing aids.
- The resources could be used for other vets who really need the aids.
- Give him ALD at least if he loses that, it's not that expensive.
- Get PSAS to determine he can't get anymore. He's not responsible with government property

Some Questions?

- What is the benefit of high end hearing aids to a guy who lives alone?
- Am I not supposed to be careful with the resources I have for patient care?
- What harm have I done, he'll still be able to hear?



Issues in Practice:

Product Loyalty

- We have six vendors on contract from which to select an appropriate hearing aid
- My experience shows me that Easytone really works best for all my patients
- Easytone has the best prices for the product that I like to use
- So I only use Easytone

Product Loyalty Approach

- All hearing aids are the same, right
- They have the best price so I am saving money
- I am the professional expert and I do know what's best for patients
- Makes my day easier and saves me time

Some Questions?

- Ignores product differences from vendor to vendor
- Doesn't good patient care involve their input into decision making
- Consider the effect on how patients will perceive the profession of audiology , an audiologist and VA if there is no opportunity for other products
- Could there be an appearance of a conflict of interest in that you only use one vendor's products. Why is that?

Issues in Practice:

Getting Through the Day....

- Why bother to do an outcome measure?
- I can increase slots for new patients by cutting out follow up visits for patients to whom I've issued hearing aids.
- My COS says:
 - My C&P exam is 35 minutes, Why is yours 90?
 - I see a patient in 20 minutes, Why do you need an hour
- How often do I upgrade a set of hearing aids because the patient demands I do?

Getting through...Approach

- Will the data I collect bring benefit to patient care?
- How should I use data to support my practice?
- Is ignoring evidence a good practice?
- If good practice is time intensive, is it worth the effort?
- How do I get others to understand the importance of what I do and that it takes time?
- At the end of the day, from what I have derived satisfaction?

Defending Behaviors

- Despite well developed professional ethics, there may be circumstances in which the pressure is too strong and a behavior will change
- By using sophisticated cognitive maneuvers most any approach can be made acceptable
 - I know five others who do the same, what about the ones I don't know about
 - There's no universally accepted body of evidence to show that the action really did harm to the patient.
 - It's not unethical so long as we're busy

Defending Behaviors continued

- It's not unethical as long as no one ever complained about it
- If we don't discuss the practice on an ethical level, then it must not be unethical
- It's not unethical as long as we are well known, well published, have a very successful practice
- It's not unethical as there was no intent to do harm

Our approach to these issues...

- Take a “time out” on a daily basis to consider my professional behaviors that day. Was there a shortcut I took, a step to make my day easier which was not in the best interest of the patient?
- I foster discussion with my colleagues about professional practice behaviors or patterns. Set aside time during a staff meeting to talk about a particular topic.
- I am open about ethics in a professional environment. If I think or “feel” a possible problem, I talk it through with a colleague or a disinterested party.

Your Options

- Talk through your concerns with colleagues
- Defend your approach on the basis of evidence not on the basis of sophisticated cognitive maneuvers
- You may not be the only audiologist to encounter these issues. Seek information from the Field Advisory Council or the National Office. They may know of prior documents or sources to help you.

Who is your Source Authority?

- For Business related Questions:
 - Regional Counsel's Office
 - Local Compliance Office
- For Patient related Questions:
 - Local Patient Ethic's Committee

Selected References

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