

Clinical Conundrum

Addressing questions related to ethical and clinical practice issues in speech-language pathology and audiology

The launch of ACSLPA's new *Code of Ethics* this past fall stimulated our thinking around the issue of ethics in professional practice. The College regularly receives inquiries from members who are grappling with ethical decision-making.

Clinical Conundrum is an *ACSLPA Newsletter* column that was last featured back in 2007. Using a question-and-response format, Clinical Conundrum addresses an ethical, clinical practice issue from either speech-language pathology or audiology. Resurrecting Clinical Conundrum as a regular newsletter feature will allow us to share situations that are of interest to many of our members.

Components of the clinical scenario outlined in this issue were presented at the November 2009 ACSLPA Conference session entitled "Ethical Issues and Professional Practice (Using the new *ACSLPA Code of Ethics*)." The characters and events portrayed in this vignette are fictional. Any resemblance to real-life situations and/or individuals is purely coincidental.

Question: Kerry is a registered speech-language pathologist who works part-time in the local community health preschool speech-language service. Recently, her husband was laid off from his job and the family is feeling the financial pinch. Kerry decides to take on a few private speech-language clients to ease the financial shortfall.

Kerry doesn't own her own assessment tools and is hesitant to make the investment just yet. She thinks about approaching her employer to borrow the tests on an as-needed basis until she decides to purchase her own. She makes a note in her Day-Timer about talking to her employer when she's in the office on Friday.

On Monday, Kerry heads out to her first clinical session as a private SLP. She is going to see a young preschooler diagnosed with an Autism Spectrum Disorder (ASD). She decides to review the terms of the service contract with the parent. When she states that her hourly rate is the amount recommended by the Alberta Speech-Language Association of Private Practitioners, the parent notes that Family Services for Children with Disabilities (FSCD) will only cover a portion of Kerry's hourly rate. She proposes that Kerry alter her billing by charging for a 1¼ hour session, but only seeing her son for an hour. Kerry is hesitant about agreeing to this plan but is concerned that the family may not maintain her services if she doesn't alter her billing arrangements. She is also aware that the family may not be able to afford any extra out-of-pocket costs for her services.

- **What values from the ACSLPA Code of Ethics may potentially be at issue in this vignette?**
- **What options might Kerry have to deal with these issues?**

Response: Several points listed under the value of Accountability from the *ACSLPA Code of Ethics* are worthy of consideration in this vignette. Items include avoiding real or perceived conflict of interest, ensuring appropriate and fair fees for service, and disclosure of said fees and billing arrangements prior to the provision of services.

As stated in the *Code of Ethics* glossary of terms, **conflict of interest** refers to a situation in which someone in a position of trust has competing professional and/or personal interests. Such competing interests can make it difficult to act impartially. A conflict of interest may exist even if no unethical or improper act results from it.

Kerry must ensure transparency in all of her private practice business dealings. In order to do so, it is essential that she maintain open communication with her manager. Does her employing agency have a policy regarding the borrowing of assessment and treatment materials? If her manager agrees to this situation, what are the parameters of their borrowing and lending arrangement? Documentation of this understanding is desirable, both in order to minimize the likelihood of misunderstandings and to set the tone for an open and transparent relationship.

If Kerry's employer does have a policy that prohibits the borrowing of materials, what other options might she have? Does she have a colleague in private practice from whom she could access a required assessment tool? If not, how committed is she to moving forward with her private practice at this time? Is she prepared to order a key assessment tool? Could she begin her assessment using informal probes and clinical observation while she awaits the arrival of a standardized assessment tool?

Kerry must also carefully weigh her decision regarding an hourly billing rate for SLP services. If she were to agree to the client's proposed billing arrangements, Kerry would essentially be falsifying billing records. This practice is clearly in contravention of the *ACSLPA Code of Ethics*. While she is sensitive to her client's budgetary constraints, Kerry needs to be clear about the value of her service.

The private practice association provides a *guideline* which recommends an hourly rate for service. Kerry is not required to bill this amount. On the other hand, how prepared is she to deviate from this guideline? Will she resent the fact that she is providing speech-language service for an amount lower than the recommended rate? Is she prepared to provide services to clients who receive government funding for their therapy at a reduced rate because she is essentially guaranteed a pre-determined number of billable hours in this scenario? What are the costs of Kerry's overhead? Can she make an acceptable living, cover the cost of assessment and therapy materials and other expenses if she agrees to cutting her hourly rate for government funded clients?

ACSLPA's Code of Ethics serves as a resource for ethical reflection and self-evaluation and promotes accountability in professional activity. While some of the ethical questions we are faced with in daily practice are straight forward, "black and white" scenarios, others are not. An ethical decision-making framework such as the one outlined by Michael McDonald (2001) may prove useful in these situations.

Briefly, this model consists of a five-step process:

1. Collect information and identify the problem.
2. Specify feasible alternatives.
3. Use your ethical resources to identify morally significant factors in each alternative.
4. Propose and test possible resolutions.
5. Make your choice (and live with it!).

A more detailed description of each point can be found at www.ethics.ubc.ca/upload/A%20Framework%20for%20Ethical%20Decision-Making.pdf.