

THE CODE OF ETHICS OF THE PENNSYLVANIA SPEECH-LANGUAGE-HEARING ASSOCIATION (December 1995)

PREAMBLE

The preservation of high standards of integrity and ethical principles is vital to the successful discharge of responsibilities of all Members. This Code of Ethics is promulgated by the Association in an effort to highlight the fundamental rules considered essential to this purpose.

The Member recognizes the magnitude of acceptance of this responsibility and cooperates in judging personal professional activity and that of ones colleagues.

In fulfilling the obligation of this Code of Ethics, the Member shall not discriminate on the basis of race or ethnicity, age, gender, religion, national origin, sexual orientation or disability.

Any act that is in violation of the spirit and purpose of this Code of Ethics shall be considered unethical practice.

Section A. Commitment to the Person Served

The Member measures success by the progress of those in his charge toward the appropriate use of effective communication skills, working to develop the best receptive and expressive skills and so enabling the person to become a participating and more effective member of society.

In fulfilling this obligation, the Member

1. Shall provide the person with appropriate information and carry out procedures for the remediation of the communication problem.
2. Shall protect the person from conditions harmful to learning and/or to health and safety.
3. Shall not reveal to unauthorized individuals any confidential information obtained from the person served professionally without appropriate permission.
4. Shall not provide duplicate professional services to a person under the Members care at his place of employment for remuneration in a private therapy setting.
5. Shall not make a guarantee of any sort, express or implied, oral or written of any speech or hearing consultative or a therapeutic procedure. A reasonable statement of prognosis should be made, but successful results are dependent upon many uncontrollable factors; hence, any warrantee shall be considered deceptive and unethical.
6. Shall not diagnose communication disorders by correspondence. This does not preclude follow-up by correspondence nor the provision of general information of an educational nature to persons served professionally.
7. Shall be equitable with the person served professionally by (a) accepting them for treatment only when benefit can reasonably be expected to accrue; (b) continuing treatment only as long as necessary.

Section B. Commitment to the Public

The Member assumes responsibility for the development and conduct of comprehensive programs for the evaluation and remediation of communication disorders as well as interpreting these professional programs and policies to the public.

In fulfilling this obligation, the Member

1. Shall not discriminate on the basis of race or ethnicity, age, gender, religion, national origin, sexual orientation or disability.
2. Shall seek to provide and expand services to all persons with communication disorders and to assure that the highest professional standards are maintained.
3. Shall be permitted to employ a business card or similar announcement and to list name, location, highest academic degree and type of service. Necessary credentials may be stated, such as Certificate of Clinical Competence in the appropriate professional areas issued by the American Speech and Hearing Association, CEASD Certificate, Licensure Certificate and so forth.
4. Shall not engage in commercial or other activities that conflict with responsibilities to the persons served professionally.
5. Shall not accept compensation in any form from a manufacturer or dealer in prosthetic or other devices for recommending any particular product.
6. Shall limit announcement of services to the manner and style customarily followed by bona fide professionals.

Section C. Commitment to the Professional

The quality of the services of the profession directly influences the general well being of mankind. The Member, therefore, shall exert every effort to raise professional standards, and to improve the quality of service. The Member shall actively contribute to the support, planning and operation of professional organizations.

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In fulfilling this obligation to the profession, the Member

1. Shall provide services only in those areas for which he has been properly trained.
2. Shall possess appropriate qualifications, as described under Article 4, Section I of the Association's Constitution.
3. Shall maintain a professional attitude at all times with members of his own and allied professions.
4. Shall seek the freest discussion of all theoretical and professional issues: thus, adding to the existing knowledge within the field of speech and hearing.

ETHICAL PRACTICES, OPERATING PHILOSOPHY AND PROCEDURES OF PSHA

The Executive Council has come to view enforcement of the Code of Ethics within a milieu in which professionals have come together for the purpose of maintaining high standards of behavior that result in quality service to the public. Such a perspective assumes that once professionals are apprised of the bounds of ethical conduct, they will perform their professional activities within them. It also seems wholly consistent with the spirit of a voluntary professional group within a democratic society to presume a member to be innocent of any violations of its code of ethics until adjudication has clearly established the contrary.

The Ethical Practices Committee (EPC) is charged with the responsibility for interpreting the Code of Ethics. Thus, this Committee sees the education of the Membership to be one of its most important functions. Committee members are concerned with explaining how the EPC functions from the time it received an inquiry until final action is taken and with publicizing interpretations of the Code of Ethics to serve as a guide for professional activity.

In line with this policy to better acquaint the Membership with its procedures, the EPC has introduced a system that stresses its educational objectives and gives maximum protection to the presumption of innocence of Members in all dealings with the Committee.

Members must cooperate with the Code of Ethics and EPC in order to give credence to the position that they adhere to and support the Code of Ethics. In this regard, the responsibility of Members goes far beyond cooperating with the Association and EPC by answering all inquiries. Indeed, in an era of heightened public awareness and professional accountability, the public has a right to expect much more of professional associations that serve it. Such a charge requires that Members assiduously monitor the professional activities of themselves and of their colleagues and appropriately share with the EPC all instances of questionable professional practices by members. Only through such vigilance and commitment to the Code of Ethics can the Association continue to enjoy the respect and confidence of the public, its Members, and other professionals.

The system of review has two processes: the administrative and the adjudicative. Although the administration and adjudication of individual cases are important functions and not to be minimized, the EPC seeks to place the highest emphasis on the development of policies-guidelines-precedents in order to provide clear assistance to the Membership in its daily efforts to operate within the Code of Ethics.

The Administrative Process

The Executive Council, upon recommendation of EPC is responsible for carrying out the administrative process. This process is concerned largely with the education of the Membership by providing advisement to inquiries based on EPC interpretations of the Code of Ethics. The EPC attempts to insure the protection of all Members and to create a responsible professional attitude. Members with whom -EPC communicates are referred to as:

Inquirer - Those who seek information about professional conduct as it relates to themselves or Members.

Respondents - Members who provide information about their professional conduct to Executive Council or the EPC in response to inquiries.

When a member sends a written request for advisement concerning a personal question of ethical practice, the EPC researches past cases for Executive Council rulings and interpretations. Also, a growing body of formal EPC policy statements is consulted. If an applicable ruling exists, a confidential advisement is provided to the inquirer by the Vice President for Ethical Practices (VPEP). A copy of each advisement is forwarded to the Council who may comment on the matter or schedule an EPC review of the pertinent policy statement. The inquirer who chooses to appeal an advisement may request a direct interpretation from the Executive Council. In instances where there is no applicable precedent, the inquiry will be referred to the EPC for review.

Upon receiving an inquiry alleging violation of the Code by a Member, the EPC reviews the supporting evidence to determine whether further investigation is needed.

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When sufficient evidence exists, the Council directs the EPC to proceed in the following manner:

1. The VPEP sends an initial letter of advisement regarding the circumstances prompting the inquiry to the respondent and the inquirer.
2. If the respondent does not reply within 30 days, the VPEP sends a follow-up letter (#2) by registered mail, return receipt requested. The respondent is requested to reply within 15 days of receipt of letter #2.
3. If no reply is received by the VPEP to letter #2, a telephone call is made to the respondent. The purpose of the telephone call is to advise the respondent of the status of the inquiry and to determine why a reply had not been forthcoming. If the respondent should question the need to answer, the VPEP indicates that the members are obligated to reply to an Ethical Practice inquiry and failure to do so is incompatible with the spirit and purpose of the Code, irrespective of the original alleged violation of the Code.
4. If no response is received after the telephone call, letter #3 is sent to the respondent reaffirming the obligation to respond and specifying the consequences of failure to respond within 14 days.
5. If still no response is received to letter #3, the matter is referred to EPC for adjudicative action.
6. Upon receiving written response to an advisement that the respondent is in compliance with the Code of Ethics, the VPEP notifies the inquirer of the respondent's statement.
7. Edited copies of advisements to the respondent are sent to the inquirer. Copies are edited in order to protect the identity of the inquirer. However, the respondent is advised that the inquirer has been informed of the advisements. The inquirer is advised of the confidential nature of all information shared with him and instructed not to share any of the correspondence or proceedings relative to the inquiry with others. The inquirer is informed that revealing EPC case information with others is a violation of the Code.

The Adjudicative Process

The Executive Council renders formal decisions on two types of cases: those for which no precedent exists, and those in which a clear and willful violation of the Code of Ethics exists despite educational efforts to rectify such violations.

In the adjudication of persistent violation of the Code, the Council forwards cases to the VPEP when all necessary materials have been assembled, such as a summary statement of the issues, facts and concerns, and the case file. When the VPEP is informed by EPC that a case is ready for its consideration, the following action is taken:

1. The VPEP assigns jurisdiction of the case to the Chairman of the EPC the facts, issues, concerns and recommendations for resolution.
2. The EPC votes on all resolutions and/or formal statements reflecting its consensus; the vote of the EPC is recorded and included in the minutes of its meeting.

All judicial recommendations of the EPC and its action related to the appeals of Members, whether relative to an individual case or to an interpretation of the Code, are signed by the Chairman. All correspondence to be signed by the Chairman is distributed to all members of the EPC. To insure that the Chairman is acting officially in accordance with the intent of the EPC signature is withheld for two weeks after prospective correspondence to cases is sent to EPC members. Procedures followed by the EPC in determining and offering recommendations are those specified in the formal statement of "EPC Practices and Procedures."

The EPC fully recognizes that each case must be judged on an individual basis, and that no two cases will be exactly the same; thus, it reserves the right to exercise its responsibilities on the merits of each case and on its interpretation of the Code, notwithstanding precedent.

EPC: HEARING PROCEDURES

When the EPC has considered all evidence relative to an alleged Code violation and has made a preliminary finding that the evidence is sufficient to sustain a charge, the accused Member (respondent) is notified of his right to a hearing, the procedures of which are described in the following statement.

Reasonableness, fairness and confidentiality are the foremost principles observed in arranging and conducting a hearing. The constraint of narrow technical rules of evidence is avoided at this evidentiary proceeding. The purpose of a hearing is to present – as expeditiously and fairly as possible - all available information relevant to the charge in issue.

Final judgment on the charge is held in abeyance until a hearing is held or waived. Waiver of the right to a hearing does not preclude timely appeal to the Executive Council by a respondent even after the EPC has made a final recommendation.

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I. PRE-HEARING PROCEDURES

A. Notification of the Charge and Right to Appeal

1. At the time the respondent is notified of the EPC preliminary finding, he must receive a formal specific statement of the charge. The statement of charge must:
 - a. Be in writing and signed by the VPEP.
 - b. Reflect the findings of fact made by the EPC.
 - c. Contain the conclusions of the EPC with respect to the issue of the inquiry.
 - d. Cite the specific Code section(s) in support of the charge.
 - e. Specify the sanction EPC proposes to impose if the respondent waives the right to a hearing.
2. In the same statement, the respondent must be notified of his right to appeal to the EPC findings and sanction. The respondent shall be sent a copy of the EPC Statement of Practices and Procedures.

B. Time and Place

1. If a respondent requests a hearing before the EPC, then the hearing shall be scheduled for the earliest possible mutually agreeable date, but preferably at a time when the EPC holds one of its regular meetings.
2. All parties (and prospective witnesses) shall be notified at least 20 days in advance of the scheduled hearing. The notice shall be sent by registered mail, return receipt requested, or by telegram. The notice shall specify the time, date, and place of the hearing and request a response from the recipient within five (5) days of receipt.

C. Hearing Panel

1. The Chairman of the EPC shall select a panel of not more than five and not less than three Members of the Association. Current EPC Members shall comprise a majority of the panel. It is recommended that other Hearing Panel Members be drawn from a pool of volunteers who have previously served on the EPC. The names of Hearing Panel Members shall be forwarded to the respondent.
2. The Chairman of the EPC either may serve as the Hearing Panel chairman or designate as chairman a member of the Hearing Panel. The chairman has no vote, except in the event of a tie, and serves to preserve fairness and expedite the proceedings.

D. Participants

1. The hearing will be open unless the respondent requests otherwise.
2. Witnesses will be sequestered - if either party makes such a request with good cause shown.
3. Presentation of the case on behalf of the EPC shall be made by an EPC representative who is not a part of the Hearing Panel but is a member of EPC. The representative shall take no part in the decision, shall not sit with the panel or its deliberation or admit them in any way after the close of the hearing.
4. If either party (the EPC or respondent) is to be represented by counsel, the other party must be notified at least 10 days in advance of the agreed upon date of the hearing. Counsel may be another Member of the Association, or an attorney.
5. If the respondent's counsel desires to submit a brief, either of the following procedures may be used: a. The Hearing Panel chairman will set a date for the simultaneous filing of both parties' briefs. b. The respondent may file a primary brief followed by the filing of a brief prepared by the EPC. A reply and an answer may be filed subsequently.
6. Prior to the hearing, the respondent and the Hearing Panel shall be sent copies of all copies of all documents in full and the names of all witnesses that will be offered to support, explain or refute the charge. The hearing shall not take place sooner than 10 days from the date that the documents and names are received by the Hearing Panel and the respondent.

II. HEARING PROCEDURES

A. Order of Presentations

1. Opening statements consisting of concise summaries of the positions of opposing parties may be presented.
2. Evidence will be introduced by the EPC first, then the respondent. Direct examination, cross-examination and redirect examination of witnesses is allowed as they appear to testify.
3. The EPC and the respondent, in that order, may give brief closing statements after all evidence has been heard.
4. The Hearing Panel Chairman will adjourn the hearing.

B. Evidence and Testimony

1. "Evidence" includes oral testimony or previously prepared statements of interested parties or their representatives. Exhibits may be accepted at the discretion of the Hearing Panel Chairman. The attendance of preparers of reports before they are admitted into evidence is required. Legal rules of evidence will not be applied strictly, but the Hearing Panel chairman may exclude testimony or other evidence which in his discretion is deemed to be irrelevant or unduly repetitious.

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2. Testimony and other evidence not bearing on the charge may be objected to and, if sustained by the Hearing Panel Chairman, stricken from the record.
3. Witnesses will not be required to take any oath of truthfulness prior to testifying but may, if they choose, state that the testimony they will give is true to the best of their knowledge.

C. Records

1. The association shall arrange for and maintain complete records of the proceedings of a hearing, including all oral testimony and arguments. The original statement of the charge, the respondent's answer, copies of brief filed by the Association and/or respondent, copies of all notices of hearing and other preliminary matters, any typed transcript or electronic recordings made of the testimony, the documentary evidence introduced at the hearing, and the written decision of the Hearing Panel shall constitute the record of the entire proceeding. The VPEP shall furnish a copy or copies of such record upon the respondent's request and payment of a sum sufficient to defray the cost thereof.
2. Where a hearing involves relatively uncomplicated issues, upon written agreement with the respondent, the oral testimony of witnesses may be summarized to the mutual agreement of the respondent and the Hearing Panel. This summary, together with the other documents mentioned in the preceding paragraph, shall constitute the record.

III. POST-HEARING PROCEDURES

A. Report of Decision

1. The decision of the Hearing Panel shall be in writing and signed by the chairman within 30 days of the close of testimony and receipt of the transcript.
2. The decision shall be based on the statement of the charge and the evidence presented at the hearing. It shall contain:
 - a. a summary of the charge;
 - b. the findings of fact made by the Hearing Panel and any extenuating circumstances;
 - c. the conclusions of the Hearing Panel with respect to the issued material to the charge;
 - d. the specific Code section(s) in issue; and
 - e. a recommendation for disposition of the case.

B. Disposition of the Case

1. The Hearing Panel may:
 - a. dismiss the case because of insufficient evidence of the alleged violation; or
 - b. attempt a satisfactory resolution of the matter; or
 - c. affirm EPC's prior decision; or
 - d. impose a sanction commensurate with the nature and gravity of a proven Code violation.
 - e. sanctions should reflect the severity of the judged infraction: Factors to be considered are:
 - (1) Bodily injury to the client
 - (2) Practicing without appropriate credentials
 - (3) Making undue, inappropriate promises to clients
 - (4) Taking "kick-backs" from outside agencies
 - (5) Releasing information without appropriate permission
 - (6) Practicing assessments or therapy for one's own remuneration at one's place of employment
 - f. Suggested sanctions from least to most severe:
 - (1) Inform the member of his misconduct.
 - (2) Inform the member of his misconduct and place him on probation for an appropriate length of time.
 - (3) Require the member to be quizzed on the PSHA Code of Ethics, subject to expulsion from PSHA.
 - (4) Suspend PSHA membership - one year.
 - (5) Suspend PSHA membership and publish the sanction in PSHA bulletin.
 - (6) Suspend PSHA membership, publish the sanction in the PSHA bulletin and mail an announcement of the sanction to entire PSHA membership.
 - (7) Suspend PSHA membership, publish the sanction in the PSHA bulletin, mail an announcement of the sanction to the entire PSHA membership and inform the member's employer.
 - (8) Refer to ASHA for its sanction.
 - (9) If no unethical behavior reported in one year after suspension, re-assess for membership.
2. A majority of the Hearing Panel shall be sufficient to support any recommendation to the Executive Council of the Association.
3. The decision of the Hearing Panel shall be final unless the respondent appeals to the Executive Council.

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IV. MODIFICATION OF PROCEDURES

A. Notice Required

1. Upon recommendation of the EPC, these procedures may be temporarily altered to expedite the hearing process. The respondent and Hearing Panel shall be notified of any temporary modifications of these procedures at least 20 days in advance of a scheduled hearing.
2. The respondent may waive in writing the time provisions allotted where prior notice is required.

B. Amendment: By majority vote, the EPC may amend these procedures at any time except when a hearing is pending.

Guidelines for Informal Investigation and Review

A. Purpose: To determine if informal discretionary action or a formal hearing is appropriate.

B. Composition of Members of the II&R:

The chairperson of the Ethical Practices Committee plus two other individuals who would not be eligible for the formal hearing. These two other individuals would be chosen from a pool of volunteers whose purpose is to serve on formal or informal hearings. A maximum of one additional person from the EPC could serve on the II&R since at least three members of the EPC must remain available in case a formal hearing is subsequently called. The chairperson of the EPC shall become chairperson of the II&R.

C. The Initial Action of the II&R:

All available information is sent to the chairperson of the II&R (from the inquirer, respondent, etc.). The chairperson will distribute the information to the other members and then a conference call will be made to determine if there is sufficient information to make a decision. If there is not sufficient information, the case will be referred back to the VPEP for clarification.

D. If there is sufficient information, then one of the following options would be recommended:

1. Informal discretionary action (e.g. inform member of his/her unethical behavior)
2. Informal hearing
3. Informal hearing not recommended
4. Referral back to VPEP with the recommendation for a formal hearing (esp. if further information has become available)

E. Informal hearing would consist of an examination of:

1. Documentable evidence of unethical behavior from such sources as physicians report, diagnostic reports, progress notes, invoices, receipts, written slander, or false claims.
2. Precedent procedures:
 - a. Notification of the reasons for the convention of the informal hearing in writing given to the member.
 - b. Sufficient notice of the time and place of the informal hearing.
 - c. The right to cross examine any witnesses.
 - d. The right to speak and produce witnesses on his/her own behalf.
3. Evidence of repeated infractions versus an isolated event.

F. Recommendations of the informal hearing may be:

1. Formal hearing not recommended.
2. Dismiss the charges against the member.
3. Referral back to the VPEP with a recommendation for informal discretionary action.
4. Referral back to the VPEP for a formal hearing.

Appeal Procedures

A. Initiation

1. The respondent may appeal the EPC findings to the Executive Council. Notice of an appeal is made in writing and sent by registered mail, return receipt requested, to the President of the Association, with copies to the VPEP and the EPC Chairman. The acceptance of the request operates to stay the imposition of a sanction unless the appeal is withdrawn or dismissed.
2. A timely appeal shall be heard by the members of the Executive Council. The President sets the date and time for the oral argument in consultation with the VPEP of the Association.
3. The VPEP notifies the respondent of the date, time and place set for the appeal to be heard. The notice is sent by registered mail, return receipt requested. The notice shall include:

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- a. A statement of the procedures to be followed.
- b. The date set for the filing of a brief or other written statement presenting the respondent's claim for relief from the EPC finding and/or sanction. Either respondent or EPC may file a brief at the oral argument. In such event, the briefs shall be filed simultaneously with the President of the Association. Briefs must be filed at least ten (10) days prior to the date set for oral argument. The filing of a brief or written statement is optional, but respondents are urged to present a written statement to provide the Appeal Panel with information in support of the merits of the claim.

Upon receipt of the briefs or written statements, the President of the Association sends copies to the Executive Council. A copy of the respondent's brief or statement is sent to the EPC and the respondent receives in turn a copy of any brief filed by the EPC.

Content of the Statement: The statement should include a summary of the facts and issues necessary to an understanding of the finding of Code Violation by EPC; a statement of the finding itself; the reasons why a substantial basis exists for a difference of opinion on any material issues, relevant facts, EPC finding or proposed sanction, and why an appeal is justified. Copies of the statement shall be sent to the entire Executive Council.

B. Preparations

1. The VPEP prepares a summary of the case for use by the Executive Council. The summary includes:
 - a. A chronological listing of EPC actions, including its findings and the proposed sanction.
2. If an EPC hearing was held prior to the appeal request, then the record of the hearing and the Hearing Panel report will be made available to Executive Council. As is customary in appellate review procedures, no new testimony or other evidence will be accepted nor any new issues raised on appeal that were not considered at the Hearings. If any substantial difference arises as to whether the record truly discloses what occurred at the Hearing, the difference may be submitted to the Executive Council for arbitration and necessary correction of, or supplementation to, the record. Other wise, inadvertent omissions or misstatements may be corrected by stipulation.
3. The VPEP forwards all necessary materials for Executive Council consideration not later than seven (7) days in advance of the date for oral argument.
4. The VPEP consults with the Chairman of the EPC and the President to determine representation for the EPC at the appeal. The VPEP makes all necessary information available to the selected EPC representative, who shall not be a member of the Executive Council.
5. The VPEP oversees arrangements of the facilities to be used for oral argument and - for recording of the proceedings.

C. Oral Argument - Appeal Proceedings

1. By stipulation, the parties (the respondent, the EPC and/or their representatives) may forego oral argument when a brief or statement has been submitted and, instead, submit to examination conducted by the Executive Council. In this event, the Executive Council will permit the parties to supplement the inquiry by such further statements as it feels are warranted.
2. Ordinarily, the procedure is as follows:
 - a. The respondent is allotted 30 minutes for an initial argument. A maximum of 10 minutes of this time may be reserved for rebuttal.
 - b. A representative of the EPC will follow with a presentation not to exceed 30 minutes.
 - c. The Executive Council may interrupt for inquiry without decreasing the time allotted for either party.
3. Any oral argument, inquiry and responses to inquiries will be recorded in full. A copy of the record may be made available to the respondent at his own expense.
4. The Executive Council shall render a decision in the appeal not later than 30 days after oral arguments or submission of the case on briefs. The decision of the Executive Council shall be by majority vote. In the event of a tie vote, the decision of the Hearing Panel shall be sustained. The decision of the Executive Council shall be final.