

## CONFLICTS OF PROFESSIONAL INTEREST

## INTRODUCTION

The Ethical Practice Board (EPB) intends that this Issues in Ethics statement provide guidance to AAA members relative to conflicts of professional interest in the practice of audiology. The information is provided to heighten sensitivity, increase awareness, and enhance judgments in circumstances where conflicts of interest may influence, or may appear to influence, professional conduct.

The AAA Code of Ethics addresses professional practices that are deemed unethical because they reflect conflicts of interest (Rule 4c) or mislead the public (Rule 7a). Many other professional organizations have reacted to growing public concern over conflicts of interest by issuing their own formal statements.<sup>1</sup> For instance, the AMA guidelines identify two principle ethical concepts regarding gifts to physicians, stating that gifts are not acceptable unless they: (a) "primarily entail a benefit to patients," and (b) "have no strings attached" (AMA, 1992).

With the emergence of the American Academy of Audiology, audiology is recognized by the public, industry, and other professionals as an autonomous and independent profession. It is important that AAA members, like other professionals, perform their professional responsibilities with the highest standards of integrity at all times. The AAA Code of Ethics does not specifically identify all ethical responsibilities related to professional conduct. However, it is undergirded by the principle that each individual must maintain objectivity in all professional activities, across all professional environments, and for all persons served.

## DEFINITION

Conflicts of professional interest are specifically addressed by the AAA Code of Ethics through Rule 4c.

*Individuals shall not participate in professional activities that constitute a conflict of interest.*

"Conflict of interest" includes all endeavors related to the practice of audiology in which professional advice, actions, or judgments may be compromised or appear to be compromised by financial or professional factors.

When determining the potential for a conflict of interest, the individuals should first consider Principle of Ethics I:

*Members shall provide professional services with honesty and compassion and shall respect the dignity, worth, and rights of those served.*

This indicates that professional practice decisions must promote the well being of those served. Therefore, professional judgment and practice must not be biased by commercial ventures from which the audiologist may derive personal, professional, or financial benefit. This universal principle applies even to mundane

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office practices. The personally held belief that professional judgment or objectivity is unaffected by gifts or other economic benefits of significant value is not, in and of itself, sufficient protection against conflict of interest.

Other legal and ethical statements may impose even more stringent rules. For example, the Medicare and Medicaid laws (42 U.S.C. 1395nn, 1396h) make it a criminal act for an individual to solicit or receive "any remuneration (including any...rebate), directly or indirectly overtly or covertly, in cash or in kind . . . in return for purchasing...ordering, or arranging for or recommending purchasing, . . . or ordering any good, facility, service or item." The only relevant exception is a "discount or other reduction in price obtained by a provider of services or other entity...if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity." Under these laws, a number of legal decisions have upheld criminal convictions of health professionals or others for receiving payments in exchange for arranging particular ancillary services for patients.

Assessment of the potential for a conflict of interest should also include attention to Principle of Ethics 7:


*Members shall honor their responsibilities to the public and to professional colleagues.*

All members have a duty to conduct themselves in such a way as to preserve and protect the public's trust and confidence in the profession of audiology. Although the Code of Ethics does not explicitly proscribe arrangements that may create the appearance of impropriety, one should strive to avoid such appearances.

## GUIDANCE

As professionals providing services to the public, audiologists have a fiduciary duty of trust imposed upon them by society to set their patients' interests above their own (Woods, 1995). This means that legally and ethically, audiologists have a responsibility to vigilantly identify, fully disclose, and appropriately resolve any potential or existing conflicts of professional interest.

## SUMMARY

Society recognizes audiologists as professionals. This means that audiologists accept a fiduciary and ethical responsibility to scrutinize the purpose, appearance, and ramifications of all offers of gifts and other types of support to ensure that their acceptance does not create, or appear to create, a potential conflict of professional interest. By assuming these fiduciary and ethical responsibilities, audiologists protect their independent judgment, maintain their professional dignity, and preserve public confidence in the profession of audiology. 

## REFERENCES

- American Academy of Audiology (1992), Code of Ethics, *Audiology Today*, Vol 3, No. 1.
- American Medical Association (1992), Code of Medical Ethics, Current Opinion of the Council on Ethical and Judicial Affairs of the AMA, Opinion 8.061, Gifts to Physicians from Industry, Chicago, IL.
- Woods, A. (1995). Risk abatement in an audiology practice. In H. Hosford-Dunn, D. Dunn, & E. Harford (eds). *Business and Practice Management for Audiology* (chap 17). San Diego: Singular Press.

<sup>1</sup>As examples, the following organizations have conflicts of interest guidelines: American Medical Association (AMA), American Academy of Ophthalmology, Association of American Medical Colleges, American Association for the Advancement of Science, American Association of Engineering Societies, American Dental Association, Federal Bar Association, and American Association of University Professors.

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