

4747-1-23

Code of Ethics.**(A) Definitions:**

- (1) Unprofessional conduct means any departure from or failure to conform to the minimal standards of acceptable and prevailing practice and shall also include, but not be limited to the provision of professional services which are detrimental to person(s) being served.
- (2) Dual relationship means when more than one role occurs between the licensee and person(s) being served professionally. A dual relationship is prohibited when the relationship between the licensee and person(s) being professionally served involves a sexual or intimate relationship or other conduct that constitutes a conflict of interest.
- (3) Committing an act of sexual abuse or misconduct against a client means any unwelcome behavior of a sexual nature that is committed without consent, by force, intimidation, coercion, or manipulation. Sexual abuse or misconduct can be committed by a person of any gender, and it can occur between people of the same or different genders.
- (4) Exploitation of a client means to take unfair advantage of a person(s) being professionally served.
- (5) Violating client confidentiality means a failure to protect and keep confidential any personal health information without the authorization or consent of person(s) professionally served or where prohibited by law.
- (6) Conflict of Interest means personal, financial, or other considerations influenced or compromised professional judgment and objectivity to person(s) professionally served.
- (7) Informed consent means authorization by persons served, research participants engaged, or parents and/or guardians of persons served to a proposed course of action after the communication of adequate information regarding expected outcomes and potential risks. Informed consent may be verbal unless written consent is required.

(B) Preamble: Licensees shall hold tantamount the health and welfare of person(s) served or participants in research.

- (1) Licensees shall respect and protect the inherent worth, integrity, dignity and rights of each person served including his/her right of self determination.

- (2) The relationship between the professional and the person(s) served, supervised, or participants in research makes it imperative that the professional is aware of the vulnerability of the person(s) served, supervised, or participants in research; licensees shall not:
- (a) Discriminate in his/her relationships with person(s) served supervised, or participants in research, colleagues, students, and members of the allied professions on the basis of race, ethnicity, sex, gender identity, age, religion, national origin, sexual orientation, disability, culture, language, or dialect.
 - (b) Engage in sexual or intimate relations with the person(s) served, supervised, or participants in research including committing an act of sexual abuse, misconduct, or exploitation of the person(s) served, including parents, step-parents, guardians, foster parents, or legal custodians of a person under the age of eighteen.
 - (c) Harass or abuse person(s) served, supervised, or participants in research.
 - (d) Engage in the fitting, dispensing or sale of hearing aids except in a professional relationship.
 - (e) Engage in activities that are a conflict of interest.
- (3) Licensees shall use reasonable precautions to protect the health and welfare of person(s) served in the delivery of professional services and in research.
- (4) Licensees shall be proficient in areas within their scope of practice, objective in the application of skills, and maintain concern for the best interests of person(s) served or supervised, participants in research, colleagues, and society as a whole.
- (5) Licensees shall practice within the established standards of practice and training recognized by the International Hearing Society.
- (6) To protect the public confidence, public behavior shall reflect a high level of moral and ethical behaviors.
- (7) When making public statements, licensees shall:
- (a) Provide information about professional services and products that do not contain misrepresentations or claims that are false, deceptive, or misleading.

- (b) Provide accurate information about the nature and management of hearing loss and services rendered to persons served, supervised professionally, or participants in research.
 - (c) Announce services in a manner consonant with professional standards.
 - (8) Licensees shall not mislead or limit services with person(s) served, supervised, or participants in research based on professional or commercial affiliations.
 - (9) Licensees shall subscribe to these principles and the code of ethics adopted by the board and agree to abide by the rules of the board and Chapters 4744 and 4747. of the Revised Code.
 - (10) Licensees shall report to the board any violation of the board rules or any breach of the code of ethics that the licensee is aware of.
 - (11) Licensees who have knowledge that a colleague is unable to provide professional services with reasonable skill and safety shall report this information to the appropriate authority, internally if a mechanism exists and, otherwise, externally.
 - (12) Licensees shall notify the board in writing of a conviction; been found guilty; or entered a plea of guilty or nolo contendere to any felony or misdemeanor convictions, other than minor traffic violations, including the case number and the court, within thirty days from the date of the conviction, plea, or finding of guilt.
 - (13) Individuals who have been publicly sanctioned or denied a license or a professional credential by any professional association, professional licensing authority or board, or other professional regulatory body shall self-report by notifying the board in writing of the final action or disposition and shall provide a copy of the final action, sanction or disposition within 30 days.
- (C) Fundamental rules considered essential. Violation of the code of ethics shall be considered unprofessional conduct.
 - (1) Licensees shall maintain professional behavior.
 - (a) Licensees shall not engage in dishonesty, fraud, deceit, misrepresentation, or other illegal conduct that adversely reflects on the profession or the individual.

- (b) Individuals shall work collaboratively, when appropriate, with members of one's own profession and/or members of other professions to deliver the highest quality of care to person(s) served or participants in research.
- (c) Licensees shall not practice under the influence of illegal substances, alcohol, chemicals, or other health-related conditions that adversely affect their professional practice and shall seek professional assistance and, where appropriate withdraw from the affected areas of practice.
- (d) Licensees shall maintain a professional relationship with the board.

 - (i) Licensees shall conduct their practice according to Chapters 4744 and 4747. of the Revised Code and agency-level 4744 and 4747 of the Administrative Code.
 - (ii) Licensees shall cooperate with all lawful requests of the board within thirty calendar days.
 - (iii) The denial or revocation of licensure in another state, or from another board in this state, may result in denial or revocation of licensure by the board.
- (e) Individuals shall not engage in sexual activities with individuals (other than a spouse or other individual with whom a consensual relationship exists) over whom they exercise professional authority, judgment, or supervision, with persons receiving services, including parents, step-parents, guardians, foster parents, or legal custodians of a person under the age of eighteen, support personnel, students, or research participants.
- (2) Licensees shall maintain records and keep confidentiality of person(s) served, including:

 - (a) Maintaining adequate and timely records of professional services rendered.
 - (b) Providing appropriate access to records of person(s) served professionally.
 - (c) Not disclosing to unauthorized persons any confidential information obtained from any person(s) served, supervised professionally, or participants in research without the written consent of person(s) served or his/her legal guardian unless required by law.
 - (d) Being compliant with all state and federal laws and regulations relating to records keeping, records access and patient confidentiality.

(3) Licensees shall exhibit professional behavior in the delivery of services by:

- (a) Accurately representing his/her education, training, credentials and competence.
- (b) Providing only services for which he/she is properly trained.
- (c) Continuing their professional development to enhance their professional competence and expertise throughout their careers.
- (d) Providing reasonable notice and information about alternatives for obtaining care in the event that the licensee can no longer provide professional services.
- (e) Fully informing person(s) served of the nature and possible effects of service.
- (f) Using all reasonable precautions to avoid injury to persons in the delivery of professional services including but not limited to the following:
 - (i) Established guidelines for infection control.
 - (ii) Established procedural techniques.
 - (iii) Safety guidelines for equipment.
- (g) Providing only services and products that are in the best interest of person(s) served.
- (h) Evaluating services rendered and products dispensed to determine effectiveness.
- (i) Ensuring that all equipment used in the provision of services is in proper working order and is properly calibrated.
- (j) Notwithstanding section 4747-1-13 of the Ohio Administrative Code, not guaranteeing the results of any professional service rendered or hearing aid device or product dispensed to the person(s) served.
- (k) Notwithstanding section 4747-1-13 of the Ohio Administrative Code, guaranteeing of any sort, express or implied, oral or written, is contrary to professional ethics.

- (l) Using every resource available, including referrals to other specialists as needed, to effect maximum improvement in person(s) served. Licensees shall:

 - (i) Identify competent, dependable referral sources for person(s) served professionally.
 - (ii) Include referrals to other appropriate healthcare professionals when the scope and nature of the indicated hearing tests is beyond the training of the licensee.
 - (iii) Not order excessive hearing tests or dispense hearing aids when not warranted by the condition of the person(s) served.
 - (iv) Make use of technology and instrumentation consistent with accepted professional guidelines in their areas of practice. When such technology is not available, an appropriate referral shall be made.
- (m) Licensees shall be compliant with all state and federal laws and regulations governing the sale, fitting and dispensing of hearing aids and hearing aid products.
- (n) Licensees shall not disparage the goods, services or business of another by false representation of fact.
- (4) Licensees supervising trainee permit holders: shall prohibit anyone under their supervision from engaging in any act that violates Chapters 4744 and 4747. of the Revised Code or agency-level 4744 and 4747 of the Administrative Code including the code of ethics.

 - (a) Supervisors of trainee permit holders shall:

 - (i) Provide direct and indirect supervision as required by the Board's laws and rules.
 - (ii) Maintain adequate records of direct and indirect supervision rendered.
 - (iii) Not delegate any service requiring the professional competence of a licensed hearing aid fitter to anyone unqualified.
 - (iv) Assume full responsibility of services provided by the trainee.
 - (v) Not offer services by a trainee for whom they do not provide appropriate supervision.

(vi) Ensure trainees under their supervision do not represent himself/herself to the public as a hearing aid fitter.

(5) Licensees performing research shall:

(a) Ensure persons selected for research participate voluntarily, without coercion, with informed consent. Licensees shall also protect the participants' right to privacy, including but not limited to personal health information.

(b) Inform person(s) served and research subjects about the nature and effects of research activities.

(c) Use established methods and techniques in research.

(d) Exercise all reasonable precautions to protect the health and welfare of person(s) and their rights.

(e) Assign credit to those who have contributed to a publication and development of materials in proportion to their contribution.

(f) Credit reference sources.

(g) Honestly and accurately report findings in a non-misleading manner.

(h) Enter into agreements with those funding research that allow the researcher to honestly and accurately report findings even when results of research do not positively reflect on the funding source and/or the funding source's services or products.

(i) Disclose funding sources of research resulting in publications, presentations, products, and/or clinical procedures, and/or cited in presentations.

(j) Comply with all institutional, state, and federal regulations that address any aspects of research, including those that involve human participants and animals.

(6) Business practices shall be compliant with regional, state and federal laws.

(a) Licensees shall:

(i) Charge fees commensurate with services rendered.

(ii) Not charge for services not rendered.

- (iii) Abide by federal, state and regional laws regarding billing for services and products rendered.
- (iv) Not enter into relationships, which pose a conflict of interest and shall not engage in commercial or professional activities that conflict with the licensees' responsibilities to the person served or participants in research.
- (b) Licensees who present or participate at meetings and/or consultants who provide instruction may receive reasonable honoraria and reimbursement of travel, lodging and meal expenses from manufacturers, dealers distributors and sales persons of prosthetics or other devices or services.
- (c) Licensees who present or participate at meetings and/or consultants who provide instruction shall disclose to participants potential conflicts of interest.
- (d) Kickbacks in violation of federal and state statutes shall not be accepted.
- (e) Licensees shall be compliant with state and federal laws and regulations regarding business practices, sales practices, including safe harbor and antitrust laws.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	4744.28, 4747.04
Rule Amplifies:	4744.50, 4747.04(B)