

## **Title 10 – Department of Health and Mental Hygiene**

### **Subtitle 41**

### **Board of Examiners for Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists**

#### **Chapter 02 – Code of Ethics**

##### **.01 Scope.**

This chapter governs individuals licensed as audiologists, hearing aid dispensers, speech-language pathologists, or speech-language pathology assistants in the State.

##### **.02 Ethical Responsibilities.**

A. The licensee shall consider paramount the welfare of individuals served professionally.

B. Necessary Training. The licensee shall:

- (1) Obtain proper training for the services the licensee provides; and
- (2) Be prepared to document, at the request of the Board, any training obtained.

C. Professional Conduct.

- (1) The licensee may not be represented by titles which are not consistent with training.
- (2) The licensee shall follow acceptable patterns of professional conduct in relationship with the individuals served and engage in only the aspects of the profession that are within the scope of the licensee's competence.
- (3) The licensee may not guarantee the result of a speech-language or hearing consultation or therapeutic procedure. A guarantee of any sort expressed or implied, oral or written, is contrary to professional ethics. The licensee may make a reasonable statement of the anticipated results, but, because successful results are dependent on many factors, a warranty is deceptive and unethical.
- (4) The licensee may not diagnose or treat individual speech or hearing disorders by correspondence. This does not preclude follow-up by correspondence with individuals previously seen. It also does not preclude providing the persons served professionally with general information of an educational nature.

(5) The licensee may not reveal to unauthorized persons professional or personal information about the individual professionally served without appropriate permission from that individual, unless required by law.

(6) The licensee may not exploit individuals served professionally by:

(a) Accepting them for treatment when benefit cannot reasonably be expected to accrue;

(b) Continuing treatment unnecessarily;

(c) Charging for services not rendered;

(d) Failing to fully inform the individual served of the nature and possible effects of services rendered, or products dispensed, or both;

(e) Misrepresenting services rendered, or products dispensed, or both; or

(f) Failing to obtain informed consent to use the individual served for research or as subjects of teaching demonstrations.

D. The licensee shall use every resource available, including referral to other specialists as needed, to effect maximal improvements in the individuals served.

E. The licensee shall take every precaution to avoid harm to the individual served professionally.

F. Sexual Misconduct.

(1) An audiologist, hearing aid dispenser, speech-language pathologist, or speech-language pathology assistant may not engage in sexual misconduct in the practice of audiology, hearing aid dispensing, or speech-language pathology.

(2) Sexual misconduct includes, but is not limited to:

(a) Sexual behavior with an individual served in the context of a professional evaluation, treatment, procedure, or other service to the client or patient, regardless of the setting in which the professional service is provided;

(b) Sexual behavior with an individual served under the pretense of diagnostic or therapeutic intent or benefit;

(c) A sexual relationship, whether consensual or non-consensual, with an individual served;

(d) Making sexual advances toward an individual served or requesting sexual favors;

- (e) Therapeutically inappropriate or intentional touching in a sexual manner of an individual served;
- (f) Physical contact of a sexual nature with an individual served;
- (g) Therapeutically unnecessary discussion of sexual matters or other verbal conduct of a sexual nature while treating the individual being served;
- (h) Directly or indirectly watching the individual served while the individual is undressing or dressing when it is not part of the therapeutic process;
- (i) Taking, for sexual purposes, photographs or video- tapes of an individual served;
- (j) Sexual harassment of staff or students; or
- (k) Sexual contact with an incompetent or unconscious individual being served.

G. Penalties. Violation of Regulation .02 may result in Board action to reprimand the licensee, place the licensee on probation, or suspend or revoke the licensee's license. The Board may also impose a penalty not exceeding \$1,000.

### **.03 Advertising.**

A. The licensee may not include statements in advertising that:

- (1) Misrepresent facts;
- (2) Are likely to mislead or deceive because in context the statements make only a partial disclosure of relevant facts;
- (3) Are intended to or are likely to create false or unjustified expectations of favorable results;
- (4) Relate to fees without reasonable disclosure of all relevant variables so that the statement would not be misunderstood or be deceptive to laypersons;
- (5) Convey the impression that the licensee could influence improperly any public body, official, corporation, or any person on behalf of the individual served professionally;
- (6) Contain representations or implications that in reasonable probability can be expected to cause an ordinarily prudent person to misunderstand or be deceived;
- (7) Contain representations that the licensee is willing to perform a procedure which is illegal in Maryland or the United States; or

(8) Falsely disparage competitors, the competitors' products, or the competitors' methods of doing business.

B. A licensee may not use an agent, partnership, professional association, or health maintenance organization to implement actions prohibited by this regulation.

C. Solicitation. A licensee may not engage in solicitation including but not limited to in-person, telephone, or direct mail solicitation which:

(1) Amounts to fraud, undue influence, intimidation, or overreaching; or

(2) Contains statements which are prohibited under §A of this regulation.

#### **.04 Special Responsibilities.**

A. The licensee shall seek open professional discussion of all theoretical and practical issues, but avoid personal invective directed toward professional colleagues or members of allied professions.

B. The licensee shall guard against conflicts of professional interest.

C. The licensee may not enter into a commercial agreement that financially exploits an individual served professionally.

D. The licensee may not engage in commercial activities that conflict with the licensee's responsibilities to individuals served professionally.

E. The licensee may not discriminate on the basis of race, religion, gender, age, national origin, sexual orientation, or handicapping condition in the licensee's professional relationships with colleagues or individuals served professionally.

F. The licensee may not provide professional services without exercising independent professional judgment, regardless of referral source or prescription.

G. The licensee may delegate duties to support personnel under the supervision of the licensee if the delegated duties do not require the professional skill and judgment specific to the licensee's scope of practice.

H. The licensee shall maintain adequate records of professional services rendered and products dispensed, and shall allow access to these records when appropriately authorized.

I. The licensee shall withdraw from professional practice when substance abuse or emotional, mental, or physical disability may adversely affect the quality of services rendered.

J. The licensee who has reason to believe that another licensee has violated the Code of Ethics shall inform the Board.

K. The licensee shall cooperate fully with the Board in an investigation and adjudication of matters related to the Code of Ethics.

L. The licensee may not construe the failure to specify a particular responsibility or practice in this chapter as indicating that the responsibility or practice is not equally as important as those specified. An act that is in violation of the spirit and purpose of the Code of Ethics constitutes unprofessional conduct and may result in disciplinary action against the licensee under Health Occupations Article, §2-314, Annotated Code of Maryland.