



A Question of Ethics

ETHICS OR PROFESSIONALISM?

ETHICAL PRACTICES BOARD, AMERICAN ACADEMY OF AUDIOLOGY

Recently, some members have inquired about the ethical implications of advertising promotions that focus on issues other than the benefit the hearing device can provide, or the services and qualifications of the audiologists. For example, some promotions offer a “free” consumer product, “free” turkeys or a “free” vacation with purchase of amplification. The appropriateness of “two-for-one” offers has also been questioned.

There are three distinct issues:

- Is this form of advertising legal?
- Is it ethical?
- Is it appropriate professional behavior?

Audiologists may seek clear delineation in regard to these three questions. Sometimes the lines are not entirely clear.

The issue of legality of the advertising should *not* be addressed by the Academy. Many State licensure boards and Federal agencies have guidelines concerning the claims that can be made in advertising and the ways in which advertisers identify themselves. When these guidelines are violated, criminal or regulatory agencies become involved. If laws are broken and providers are found guilty, the possibility of ethical misconduct will arise.

Advertising can be unethical. For example, it is unethical for advertising to:

- Result in patient exploitation
- Result in charging for services that are not rendered
- Place or appear to place the audiologist in a conflict of interest situation
- Provide inaccurate information about the performance of the device
- Guarantee results from use of the device that cannot be substantiated
- Misrepresent the qualifications or affiliation of the audiologist
- Be dishonest or illegal

It is probably this last category that raises the ethical and legal issues in regards to these advertisements. Are the advertisements accurate? When two-for-one hearing aid pricing is offered, how would the State interpret the sale of

a single unit to a unilaterally impaired patient at a cost other than the price paid by a person who purchases two hearing aids? Is the item offered for “free” truly free? If the audiologist participates in a program whose costs are offset by the manufacturer, there may be ethical issues. Is the hearing aid paid for through insurance, and if so, is it the intention of the insurance company to subsidize the consumer product or “free turkey”? The factors that could place such advertising in ethical jeopardy — offering rewards of goods, trips, cash or turkeys—are essentially contained in the details of the specific advertisement.

If such advertising practices involve the participation of the hearing aid company in any covert or hidden manner, or if such practice involves commitments for past, present, or future purchases, ethical constructs will likely have been breached. The published Conflict of Interest Guidelines provide further information at www.audiology.org/professional/positions/ethics.pdf.

However, if the audiologist participates openly in the promotion, paying specified (and line-item invoiced) fees to the manufacturer or another party when a patient is successfully treated, the promotion may have no legal or ethical consequences. If the audiology office or practice pays for the incentive in the same manner as he or she would pay for any newspaper advertising, and if the incentive is advertised in such a manner as to be free from deceit, the advertising probably does not violate the Academy’s Code of Ethics. However, even if not unethical, the advertising may not be professionally appropriate.

Past Academy President Barry Freeman asks:

“Is this really a question of ethics or professionalism? We truly have ‘met the enemy and they are us.’ What is the ‘professional message’ this sends to our patients? It says ‘we make so much money on our products that we can

afford to give you this trip’ or ‘I’m competing with the car dealerships to get you to buy a hearing aid rather than a new car.’ Despite all the efforts of the professional associations to have audiology recognized as a profession, we have practitioners who continue to undermine these efforts by sending the message that ‘we don’t provide quality hearing care’ but, rather, ‘we provide overpriced retail products.’ And when the Academy approaches State and Federal legislatures to try to receive better recognition for what we are and what we do, they (the Federal agencies) pull out this ad...and make their own conclusion.”

Freeman views these marketing efforts as comparable to “free hearing tests.” That is, we do not value our services. The message is that we are over-educated salespeople. How sad that we have licensed audiologists who just cannot recognize the damage they do to the profession and persons we serve. Never mind their lack of pride in the profession.

Academy members who participate in these sorts of advertising promotions may respond that, since their advertising is not unethical nor is it illegal, their right to make such promotions should not be an issue, and the Academy should not question their right to do business in any manner they deem appropriate. The bottom line is that they are correct—the Academy has no say, so long as the advertising does not cross the lines to become illegal or unethical. However, as Freeman points out, this is certainly not the message that the field of Audiology purports to convey to consumers, reimbursing parties, or governments. As such, the members of the Academy have every right to oversee the behaviors of other members of their own professional group. In fact, that is the requirement of **Rule 8c: Individuals shall inform the Ethical Practice Board when there are reasons to believe that a member of the Academy may have violated the Code of Ethics.**