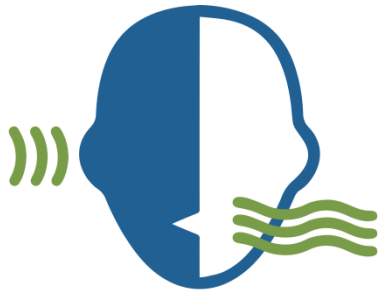


College of Audiologists and Speech-Language Pathologists of Ontario

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# The New Conflict of Interest Standards

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April 11, 2019

# Presenters

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# Agenda

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1. Background
2. Guiding Principles
3. Definition
4. Four Standards
5. Resources
6. Questions



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# Background



# Background

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# Background

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- Intentions:
  - ✓ simplify and clarify the **definitions**
  - ✓ simplify the **language overall**
  - ✓ allow for **flexibility**
  - ✓ speak to **both professions** adequately
  - ✓ supports the **Professional Misconduct Regulation**, which prohibits the COI situations
- The new Standards will also have companion **FAQs** to support members

# Background

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- Provisions not carried forward:
  1. directing patients to other, specifically named providers when the member receives benefit for the recommendation, promotion, sales of products.

## Why?

- Unrealistic way to practice
- Does not require an explanation to the patient, ultimately confusing



## Background (Con'd)

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- Provisions not carried forward:
  2. receiving a benefit for recommending, promoting, selling, etc. from a manufacturer, dealer or vendor **if the member is employed by the manufacturer and does not directly prescribe or sell to patients.**

### **Why?**

- This is not a COI situation because there is **no patient involvement**

## Background (Con'd)

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- Provisions not carried forward:
  3. the **restriction** against referring, recommending or selling a product, service or business to a patient that is **not health related** in which the member or related party has an interest.

### Why?

- While this may be ill advised, this may have been an **overreaching** rule

## Background (Con'd)

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- Provisions not carried forward:
  4. the requirements regarding **research**

### **Why?**

- Research is **not** primarily focused on **patient care**
- there are more appropriately robust requirements with research board (e.g. Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans)

# Background

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- Consultation period ran from **November 1 to December 3, 2018**.
  - **308 responses** were received (**Audiologist 26.8%, SLP 73.5%**)
  - **Over 95%** of respondents indicated they understood the proposed Standards or understood why proposed Standards prevent a conflict of interest
  - **Over 90%** of respondents felt the proposed Standards were realistic
  - **Over 80%** of respondents agreed that the draft Standards were easier to understand than the proposed Regulation

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# Principles



# Principles

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## COMPONENTS OF A THERAPEUTIC RELATIONSHIP



# Principles

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- Trust: members **only** refer, recommend, provide or sell products or services that are **necessary** and are in **patients' best interests**
- Professional judgement must not be influenced by **personal** or **financial** interests
- Power: members possess a certain **authority** because of knowledge and training

## Code of Ethics (By-law No. 7):

4.2.6: Audiologist and SLP shall avoid activities that could be **construed** as involving a conflict of interest



It is important to remember:

A conflict of interest will undermine  
**trust**

&

can lead to a **breakdown** of the  
**therapeutic relationship**

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# Definition



# Definition

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## Definition

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A conflict of interest occurs when a **reasonable person** could conclude that the professional **judgement** of a member is **influenced** by **personal or financial** factors that place the **interests** of the member, or personal or financial interest of another person who is in a non-arm's length relationship with the member, **over that of a patient.**

# Definition

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Conflicts of interest can therefore be

- actual
- potential
- perceived

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# Four Basic Standards

# Standard 1

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Members must not provide a benefit to another person or agency, or receive a benefit, for a patient referral.

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This includes making referrals for healthcare to a relative or business partner, where you directly or indirectly receive a benefit.

For example, your husband is a psychotherapist and your patient appears to need counselling.



## Why?

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Based on the principle that:

- recommendations should be on the basis of patient needs
- and provide patient choice

Being paid in some manner for making a referral puts the healthcare professional in a conflict of interest.

Or at least may appear to



## Polling Question 1

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Does this mean I cannot refer to anyone I know personally?

1. Correct
2. Incorrect
3. It depends

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Does this mean I cannot refer to anyone I know personally?

1. Correct

2. Incorrect

**3. It depends. Are you receiving a benefit from making the referral?**

- **If not, then it's fine**
- **If you are, such as a "I refer to you only and you refer to me only" arrangement, then no**

## Standard 2

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Members must manage/resolve unavoidable conflicts of interest appropriately.

## Standard 2

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Often there are COIs that are inherent to the job:

- You sell the employer's product (e.g. manufacturer clinic)
- Your employer limits treatment approaches (e.g. mediator model)

---

If the COI is unavoidable, you must mitigate the impact in this way:

1. **Disclose** and discuss the nature of the conflict of interest with the patient before providing the services or continuing to provide services;
2. Make the patient aware of practical **alternatives** where possible; and
3. Ensure the patient **consents** to proceed with the service(s) or product(s).

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Another common COI that arises is when you provide private services that are also offered by your employer.

For example, the family of a child who is waiting for your agency's treatment block wants you to provide therapy while they wait.

Before you do....

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Before you provide any products or services to augment or replace that which the employer/agency provides, you must:

1. **Inform** the patient that the service is being provided independently of the member's employer;
2. Give the patient the **option** of selecting an alternative service provider, wherever possible;
3. Inform the patient of any **fees** for the service to be provided; and
4. Ensure the patient then expresses a **preference** for the service in question.



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**Please note**, this is assuming your employer allows you to provide private service.

Always ensure you know the policies of your agency.

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In any of these situations, in addition to the steps we have discussed....

...you must also **document** the steps in the patient record.

This is part of obtaining informed consent

## Polling Question 2

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My employer is also a hearing aid manufacturer and as such, I am encouraged to sell their product; they are offering a interest-free loan for clinic upgrades based on my sales. Can I accept this offer?

## Polling Question 2

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1. Yes, the patient would assume I get these kinds of offers so there is assumed consent.
2. No, it is a COI and must be avoided
3. Yes, if I disclose the incentive and offer a practical alternative.
4. Not sure

## Polling Question 2

---

1. Yes, the patient would assume I get these kinds of offers so there is assumed consent.
2. No, it is a COI and must be avoided
- 3. Yes, if I disclose the incentive and offer a practical alternative**
4. Not sure



# Standard 3

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# Standard 3

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Members must not enter into an employment agreement whereby they clinically supervise the person who employs them.

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This involves a situation in which the Member is **employed** by someone whom they are **responsible for supervising**.

**Why?**

There is tension between:

**personal concern** to maintain  
employment

**vs.**

providing **appropriate supervision**





## Polling Question 3

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**Scenario:** I have a job offer to supervise communicative disorders assistants (CDAs).

The practice is owned by a CDA who employs many other CDAs. She offers speech and language treatment to children.

She would be hiring me to assess children and then supervise her other staff CDA's as they provide treatment.

**Is this a conflict of interest situation that is prohibited?**



## Polling Question 3

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### Answers:

1. Yes, I cannot be employed here because the employer is a CDA who is a professional that I will supervise.
2. No, I am not required to supervise my employer
3. Maybe, only certain CDAs can provide supervised treatment to children

## Polling Question 3

---

### Answers:

1. Yes, I cannot be employed here because the employer is a CDA who is a professional that I will supervise.

**2. No, I am not required to supervise my employer**

3. Maybe, only certain CDAs can provide supervised treatment to children

## Polling Question 3

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Important to be clear:

- ✓ Whom you will be **supervising**?
- ✓ What is your **role** in this organization?
- ✓ What duties you **responsible** for?

# Standard 4

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*“Try this—I just bought a hundred shares.”*

# Standard 4

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Members must not enter into an agreement with any person or agency that limits the member's ability to exercise their professional judgement to provide appropriate recommendations.

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While you **may** receive benefits from manufactures for prescribing or recommending products or services (but see Standard 2), you **must not enter** into an agreement that requires you to exclusively recommend a product or service

**Why?** Restricts your professional judgement

## Polling Question 4

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- **Scenario:** A company producing apps for language development has approached you to recommend their app exclusively and they will pay 5% sales stemming from your recommendation.

Can you enter into this agreement?





## Polling Question 4

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### Answers:

1. Yes, the treatment plan is based upon the patient's needs and this app could be beneficial
2. No, by agreeing, you would be entering into an exclusive agreement
3. No, you can only receive 1% of the sales

## Polling Question 4

---

### Answers:

1. Yes, the treatment plan is based upon the patient's needs and this app could be beneficial

**2. No, by agreeing, you would be entering into an exclusive agreement**

3. No, you can only receive 1% of the sales

## Polling Question 4

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This agreement would constitute an **exclusive agreement**. Even if the app was **appropriate** for most of your patients, if you are unable to recommend any other app, this arrangement would undermine your **professional judgement**.

When making recommendations, patients **trust** that it is done for their **best interest**.



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# Where are the Conflict of Interest Standards?

# Where to find the COI Standard

The screenshot shows the top navigation bar of the CASLPO website with the following items: WHO WE ARE, PUBLIC PROTECTION, EVENTS, **RESOURCES** (circled in red), and TRANSPARENCY. Below the navigation bar is a large image of a healthcare worker in a lab coat and gloves assisting an elderly man with a blue cup. To the left of the main content area is a vertical sidebar menu with the following items: RESOURCES (+), PUBLIC AWARENESS, STANDARDS AND RESOURCES (+), LEGISLATION AND REGULATIONS, QUALITY ASSURANCE PROGRAM (+), CONSULTATIONS, ACCOMMODATION POLICY, REGISTRATION AND MEMBERSHIP + RENEWAL, and MEMBERSHIP CATEGORIES. The main content area features a banner with the text "Serves & Protects the Public Interest" and illustrations of a woman with a cane, a man with a cane, and a doctor with a child. Below the banner is the heading "Educate Your Patients On The Advantages Of Regulation" and three columns of text: "PUBLIC AWARENESS / LA SENSIBILISATION DU PUBLIC", "STANDARDS AND RESOURCES / NORMES ET RESSOURCES" (circled in red), and "LEGISLATION REGULATIONS BY-LAWS / LÉGISLATION, RÈGLEMENTS ET RÈGLEMENT ADMINISTRATIF". At the bottom of the banner area, there is a search bar with the text "Enter one or more keywords to search for using the Zoom Search Engine. Note that '\*' and '?' wildcards are".

# Where to find the COI Standard

**RESOURCES**

- PUBLIC AWARENESS
- STANDARDS AND RESOURCES**
- AUDIOLOGY PRACTICE
- SLP PRACTICE
- CODE OF ETHICS
- CONSENT AND CAPACITY
- ADVERTISING, BILLING AND PRIVATE PRACTICE
- RECORDS
- SUPERVISION
- SECURITY AND PRIVACY
- CONFLICT OF INTEREST
- PRACTICE ADVICE / FAQS
- COLLABORATION AND PROFESSIONALISM
- EXTERNAL UPDATES
- LEGISLATION AND REGULATIONS
- QUALITY ASSURANCE PROGRAM
- CONSULTATIONS
- ACCOMMODATION POLICY
- REGISTRATION AND MEMBERSHIP RENEWAL
- MEMBERSHIP CATEGORIES
- FEES
- FEEDBACK POLICY
- FEEDBACK SUMMARIES

## Standards And Resources/ Normes Et Ressources

Below are all the legislation, regulations, practice standards and associated resources categorized by topic area.

Vous trouverez ci-dessous les lois, règlements, normes de pratique et ressources associées, classées par sujet.

The regulations and standards describe the minimum competencies and behaviours needed to practice safely and provide quality service to the public. As such, they have been developed through consultation with you and the public.

Les règlements et normes décrivent les compétences et comportements minimums nécessaires pour exercer la profession de façon sécuritaire et offrir des services de qualité à la population. Ces documents ont été préparés en consultation avec vous, les membres, et le public.

Please note that legislation represents the highest level of rules, while regulations, by-laws and standards supplement the legislation. They are not intended to replace nor contradict legislation.

Veuillez noter que les lois ont préséance sur l'ensemble des règles d'exercice. Les règlements d'application de la loi, les règlements administratifs et les normes de pratique complètent les lois et ne visent en aucune façon à remplacer une loi ni à la contredire.

**Always go to our website for the most current standards and resources.**

**Pour les versions les plus récentes des normes et des ressources, assurez-vous de consulter notre site Web.**

AUDIOLOGY PRACTICE PRATIQUE EN AUDIOLOGIE	SPEECH-LANGUAGE PATHOLOGY PRACTICE PRATIQUE EN ORTHOPHONIE	CODE OF ETHICS CODE DE DÉONTOLOGIE
CONSENT AND CAPACITY CONSENTEMENT ET CAPACITÉ	ADVERTISING, BILLING AND PRIVATE PRACTICE PUBLICITÉ, FACTURATION ET PRATIQUE PRIVÉE	RECORDS TENUE DES DOSSIERS
SUPERVISION SUPERVISION	SECURITY AND PRIVACY SÉCURITÉ ET PROTECTION DES RENSEIGNEMENTS PERSONNELS	CONFLICT OF INTEREST CONFLIT D'INTÉRÊTS
PRACTICE ADVICE/FAQS CONSEILS SUR LA PRATIQUE/ QUESTIONS	COLLABORATION AND PROFESSIONALISM COLLABORATION ET	EXTERNAL UPDATES MISES À JOUR DE RESSOURCES EXTERNES



# Where to find the COI Standard

WHO WE ARE PUBLIC PROTECTION EVENTS RESOURCES TRANSPARENCY

RESOURCES +

PUBLIC AWARENESS

STANDARDS AND RESOURCES +

AUDIOLOGY PRACTICE

SLP PRACTICE

CODE OF ETHICS

CONSENT AND CAPACITY

ADVERTISING, BILLING AND PRIVATE PRACTICE

RECORDS

SUPERVISION

SECURITY AND PRIVACY

CONFLICT OF INTEREST

PRACTICE ADVICE / FAQs

COLLABORATION AND PROFESSIONALISM

Public Members Applicants

## CONFLICT OF INTEREST / CONFLIT D'INTÉRÊTS

EN Regulation	FR Règlement
Professional Misconduct Regulation	-
EN Standards	FR Normes
<b>Conflict of Interest</b>	<b>Conflit d'intérêts</b>
EN Code of Ethics	FR Code d'éthique
Code of Ethics	Code de déontologie
EN Practice Advice/FAQs	FR Conseils sur la Pratique/questions fréquentes
Opening and Closing a Private Practice	La pratique privé: réglementation à prendre en considération
EN Did You Know...	FR Le saviez-vous?

## In Summary

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When faced with a conflict of interest and you cannot avoid it, you must be transparent with your patient....

**AND** be honest with yourself. Does the benefit unduly bias your judgement?



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# Questions



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# THANK YOU!

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[www.caslpo.com/members/resources](http://www.caslpo.com/members/resources)



## Polling Question 5

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I run a private practice working with children who have reading disabilities. I have developed an app that allows clients to work on improving some of the components of reading. I think my app is unique and is very helpful for many clients.

Is it a COI to sell the app to my clients?



## Polling Question 5

---

Can I sell the app to my clients?

1. Yes, although it is a conflict of interest, it is a facet of the services you provide and therefore allowable.
2. No. It is a COI that you cannot mitigate.
3. Yes, but you must provide full disclosure and offer options because you are benefiting directly from selling the app.

## Polling Question 5

---

Can I sell the app to my clients?

1. Yes, although it is a conflict of interest, it is a branch of the services you provide and therefore allowable.
2. No. It is a COI that you cannot mitigate.
- 3. Yes, but I must provide full disclosure and offer options because I am benefiting directly from selling the app.**

## Polling Question 6

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There is a hearing aid manufacturer that has a website that can refer patients to a variety of clinics in the patient's vicinity. The company is offering to refer patients to me on the condition that I only sell their products to these patients. There is a fee for including my clinic on their referral list.

Can I accept this arrangement?

## Polling Question 6

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1. No. This is essentially an arrangement that requires me to pay for the referral, which is prohibited.
2. Yes. This is simply another form of advertising and as long as I am honest about it, it is not a conflict of interest.
3. No. This is an arrangement that limits my professional judgement because I cannot recommend any other product other than what the manufacturer produces.

## Polling Question 6

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- 1. No. This is essentially an arrangement that requires me to pay for the referral.**
2. Yes. This is simply another form of advertising and as long as I am honest about it, it is not a conflict of interest.
- 3. No. This an arrangement that limits my professional judgement because I cannot recommend any other product other than what the manufacturer produces.**



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# THANK YOU!

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