

# **Puerto Rican Organization of Speech-Language and Hearing Professionals (OPPHLA)**

**Translation Note:** *This is an unofficial translation of the OPPHLA Code of Ethics. It has been translated into English for informational purposes only. In the event of any discrepancy, ambiguity, or conflict between this translation and the original Spanish text, the original Spanish version shall prevail and shall be the only legally valid version.*

As amended and approved at the Extraordinary Assembly of August 26, 2023

## **Preamble**

The Puerto Rican Organization of Speech-Language and Hearing Professionals (hereinafter the “Organization” or OPPHLA) has adhered to common principles and standards of professional practice since its founding in 1976. This commitment was formalized in 2005 with the creation of our first code of ethics. To continue strengthening integrity and ethical foundations, the code has been reviewed and adjusted to reflect current practice and address the challenges, changes, and benefits affecting the professions.

Communication is a vital process for the exchange of information among individuals. Effective communication requires the coordination of various physical and environmental systems.

Impairments in any of these areas may result in communication disorders. These, in turn, may affect an individual's overall development and interfere with cognitive, social, emotional, and educational functioning. Speech-language pathologists, audiologists, and speech-language therapists are the professionals trained and licensed by law to provide services to individuals with communication disorders as described in Act No. 77, the “Act to Regulate the Practice of the Professions of Speech-Language Pathology, Audiology, and Speech-Language Therapy,” of June 3, 1983. As professionals, we provide services in accordance with the functions described in that law.

The OPPHLA Code of Ethics reflects the fundamental principles of beneficence, nonmaleficence, autonomy, and justice, which must permeate every domain of the scope of practice. Its content is binding, representative, and explanatory: it defines the professional's role with the overarching purpose of ensuring consumers' welfare and protecting the profession's reputation and integrity. The Code of Ethics provides guidance so that professionals can support their daily ethical actions, omissions, and decisions.

In performing our work, we accept responsibility for possessing the necessary competencies, apply our knowledge and skills objectively, and safeguard the best interests of our clients, colleagues, students, research participants, and society at large.

This Code of Ethics establishes the basic principles and standards considered important for that purpose and applies to the following:

- Professional members
- Student members or students belonging to university student chapters affiliated with OPPHLA

The Code of Ethics is intended to guide members and membership candidates in decisions concerning:

1. Responsibility
2. Competence
3. Confidentiality
4. Consumer Welfare
5. Public Statements
6. Professional Relationships
7. Provision of Services in Private Practice

The following principles of professional ethics have been adopted by OPPHLA as minimum standards that more concretely define the conduct society requires of the Organization's members. Because the Code of Ethics does not seek to address specific situations and does not cover every possible ethical dilemma, professionals are expected to respect its content and comply with its spirit and purpose. Loyalty and adherence to the Code of Ethics lead to respect for the profession and have a positive impact on those who benefit from our services.

The enumeration of specific duties does not make other obligations absent from these standards any less mandatory when those obligations are inherent in the social and professional responsibility of speech-language pathologists, audiologists, and speech-language therapists, and in the moral conduct expected of every member of the profession. Any action that violates this Code must be considered unethical.

## **PRINCIPLE I RESPONSIBILITY**

In practicing their profession, professionals must maintain a level of excellence and accept responsibility for the consequences of their actions. They must strive to ensure that their services are used appropriately:

### **A. Professionals must:**

1. Provide professional services or engage in clinical, professional, academic, and research activities without discrimination on the basis of age; race; color; gender expression, gender identity, or sexual orientation; birth, origin, or nationality, including culture, language, dialect, and accent; social status; political or religious beliefs; physical or mental disability; genetic information; or veteran status.
2. Advocate, in their professional capacity, for the welfare of the people to whom they provide services.

3. Use appropriate procedures and techniques according to the client's needs. They must ensure that all equipment and instruments used to provide services or conduct research and academic activities are in good working order and properly calibrated.
  4. Provide the person served with all information concerning the nature and possible effects of the service.
  5. Provide appropriate access to clients' records.
  6. Refrain from delegating tasks related to clinical service provision that require specialized skills, knowledge, credentials, and judgment within their area of professional competence to assistants, aides, technicians, or any other persons who are not duly licensed by the Puerto Rico Board of Examiners of Speech-Language Pathologists, Audiologists, and Speech-Language Therapists. This includes supervisory, research, and other tasks related to our scope of practice.
  7. Refrain from delegating clinical service tasks that require specialized skills, knowledge, and judgment within their area of professional competence to students unless those students are properly trained and the services are appropriately supervised.  
Responsibility for the welfare of persons served remains with the certified audiologist or speech-language pathologist.
- B.** As researchers, professionals are responsible for their choice of research topics and their possible effects on society, people, animals, and the development of the profession. They assume responsibility for the methods and analytical strategies used in their research and for disseminating its results. They shall also protect the confidentiality of research subjects and inform them of the purpose of the research. Animals used in research shall be treated respectfully.
- C.** When providing services, professionals assume responsibility for informing their employer, agency, or institution of any situation in which the time, facilities, or other resources needed to maintain excellence and seriousness in their work are not provided, or of actions outside the scope of the Code of Ethics.
- D.** A professional must report violations of this Code to the Professional Ethics Committee, following the procedures established in the Guide to Procedures for Violations of the Code of Ethics, approved in February 1993 and revised on August 26, 2023. Failure to inform the Committee of violations of the Code is itself a violation.
- E.** A professional must cooperate fully with investigators of the Professional Ethics Committee on matters relating to this Code.
- F.** Professionals are responsible for evaluating the services they provide to determine their effectiveness and for informing clients of the results and the changes and implications arising from them.
- G.** A professional must uphold, support, and defend the dignity of the profession and voluntarily accept its standards.

## **PRINCIPLE II COMPETENCE**

Professionals assume responsibility for maintaining the highest standards of professional competence, thereby safeguarding the welfare of those receiving clinical professional services or participating in academic and research activities. They must keep their professional knowledge current with respect to the services they provide.

- A.** Professionals shall provide only those clinical services and use only those techniques for which they are adequately qualified through training, education, or experience, and shall competently perform all academic and research activities.
- B.** They must remain current on research, changes, and new approaches in the practice of speech-language pathology, speech-language therapy, and audiology.
- C.** Professionals performing the specific functions of a speech-language pathologist, audiologist, or speech-language therapist must hold a license issued by the Board of Examiners of Health Professionals of the Commonwealth of Puerto Rico and meet all continuing education requirements established under Act No. 77 of June 3, 1983, to renew that license.
- D.** Professionals shall not employ an unlicensed speech-language pathologist, audiologist, or speech-language therapist to provide services assigned by law to those professions, nor delegate services requiring professional competence to unqualified persons.
- E.** Professionals must provide speech, language, and hearing services only within a professional relationship. Evaluation and therapy services may not be provided exclusively by correspondence or email. This does not prohibit follow-up correspondence or the provision of general educational, guidance, or prevention information.
- F.** Professionals shall not provide or supervise services in areas for which they have not been adequately prepared.
- G.** Professionals in speech-language pathology and audiology shall not delegate services to a speech-language therapist or support personnel without providing appropriate supervision and assuming the responsibilities prescribed by the regulations governing these professions. When services are provided through students, the professional assumes full responsibility for those services, and the client must be notified and agree.
- H.** When the involvement of another professional is considered necessary, the professional must identify competent referral sources to expand, clarify, or delineate results obtained during evaluation or treatment. Referral is also appropriate when differing approaches, social or moral rules, or personal problems could negatively affect the outcome of the intervention.
- I.** A professional who supervises students may not accept payment from the student under supervision.

- J.** Professionals shall not discriminate in providing professional services or conducting academic or research activities on the basis of age, citizenship, disability, ethnicity, gender, gender expression, gender identity, genetic information, national origin, including culture, language, dialect, and accent, race, religion, sex, sexual orientation, or veteran status.
- K.** Professionals may provide services through telepractice in accordance with professional standards and state and federal regulations, but shall not provide clinical services solely through written communication.
- L.** Technological methods and tools shall be used in accordance with applicable professional guidelines for the specialty area. If recommended technological methods and tools are unavailable, professionals must refer clients so that they receive appropriate services.

### **PRINCIPLE III CONFIDENTIALITY**

Confidentiality is one of the foremost obligations in the provision of professional services in the field of communication disorders. Professionals must take the necessary steps and precautions to maintain, respect, and safeguard clients' confidentiality rights. Certain special circumstances limit this principle. In such cases, the professional is responsible for explaining these limitations to clients and documenting them appropriately. Confidential information shall be disclosed with the written consent of the person or their representative, or when required by law.

- A.** Professionals shall not disclose professional information or information about participants in research or academic activities, or personal information about clients served, to unauthorized persons or entities without the informed consent of the client or guardian, unless disclosure is required by law or necessary to protect the welfare of the person, a third party, or the community.
- B.** The client's informed consent shall be obtained concerning the nature of the services provided, technologies used, or products dispensed, and their possible risks and effects. This duty also includes informing the client of the possible consequences of not following the professional's treatment recommendations.
- C.** All information obtained in a professional relationship with a client or with participants in research or academic activities must be kept in records, and the measures necessary to protect their confidentiality and security must be taken when they are filed. Records must contain all information needed to provide quality service. The information must be complete, current, and signed. When the professional requires supervision, the information must be countersigned and the record continuously audited, including electronic records.
- D.** Information obtained during evaluation, consultation, and treatment shall be discussed only with persons clearly involved in and authorized for the case. Oral and written reports shall include information pertinent to the purpose of the service provided. Whenever possible, disclosure of privileged information about the individual unrelated to speech-language and audiology services should be avoided.

- E.** Professionals must be provided secure and appropriate access to the records of clients to whom they provide direct services.
- F.** Information used for educational and research purposes must be presented with the prior consent of the person or their guardian, or described in a manner that does not identify the person concerned.
- G.** All administrative, clinical, educational, and research procedures must comply with federal and state laws governing privacy and confidentiality practices.

#### **PRINCIPLE IV CONSUMER WELFARE**

Professionals recognize that respect for the integrity and welfare of persons to whom they provide services is essential to the client-professional relationship. They must remain objective in all matters concerning the welfare of persons served.

- A.** Credentials, competence, education, training, experience, and contributions to research or academic activities shall not be misrepresented.
- B.** Practices or activities presenting conflicts of interest must be avoided when personal, professional, financial, or other interests or relationships threaten to affect objectivity, competence, or effectiveness in carrying out professional responsibilities. If a conflict of interest cannot be avoided, it must be disclosed and appropriately managed.
- C.** Professionals must provide treatment only to persons who need it, taking into account their diagnosis and prognosis. They shall not treat persons who do not need treatment.
- D.** Services shall not be provided for the purpose of profit. Therapeutic interventions must be based on the client's evaluation results and needs, rather than other purposes.
- E.** Professionals shall not guarantee the results of therapeutic procedures, directly or indirectly. They may offer a prognosis, taking care not to create false expectations about treatment.
- F.** At the beginning of the professional intervention, professionals must clearly inform clients of the financial aspects of their services to prevent conflicts and protect consumer rights.
- G.** Professionals shall not bill government or private agencies for services they have not provided.
- H.** Professionals shall not discriminate against clients on the basis of race, sex, religion, nationality, age, economic status, or disability.
- I.** An individual dispensing prescribed items, such as hearing aids and assistive listening devices (FM systems, etc.), to persons served professionally shall observe these standards:
  - 1.** Prescribed products associated with professional practice must be dispensed to persons served as part of a comprehensive habilitation program.

2. Fees charged for professional services must be independent of the dispensing of a prescribed product.
  3. Persons served must be free to purchase prescribed products and choose their preferred service providers.
  4. Before providing a professional service or dispensing a prescribed product, the person served must receive information about the cost of the service separately from the cost of the product.
  5. Products dispensed to persons served must be evaluated to determine their effectiveness.
- J.** Professionals' fees must correspond to the services provided.
- K.** Speech-language and hearing treatment services shall be based on evaluation results. They shall not be driven by other interests, including financial gain.
- L.** Adequate records documenting the services provided to clients must be maintained.
- M.** Professionals shall ensure that all equipment used to provide services operates optimally and complies, where applicable, with the specifications of the relevant regulatory agencies or, otherwise, with the manufacturer's specifications.
- N.** Professionals shall exercise independent professional judgment when recommending and providing professional services if an administrative directive, referral source, or prescription prevents the welfare of persons receiving services from being given the highest priority.

## **PRINCIPLE V PUBLIC STATEMENTS**

The purpose of public statements, advertising, and promotion concerning communication and hearing disorders is to inform the public about services and other activities related to the profession. Accordingly, they must be supported by empirical evidence and safeguard the welfare of the public and the profession.

- A.** Information about the nature and management of communication disorders and about the profession must be accurate.
- B.** Professionals shall not present a false image of their academic preparation or competencies.
- C.** Professionals shall not make public statements about professional services or products that contain false or misleading representations.
- D.** Professionals shall not use professional or commercial affiliations in ways that mislead or limit services to persons served.
- E.** Professionals must maintain a high level of professionalism when advertising their services to the community.

- F.** Advertisements and promotions for personal development groups, clinics, brochures promoting workshops, seminars, and other programs must accurately state their purpose and what is offered. The names, education, training, and experience of team members must be specified.
- G.** Professionals shall include their specialty and license number when advertising in any medium.
- H.** Public statements must provide accurate information about the professions, professional services and products, and academic and research activities.
- I.** Public statements must comply with current professional standards and must not contain misrepresentations when advertising, announcing, or promoting professional services, products, or research.
- J.** Professionals shall not knowingly make false financial or nonfinancial statements and shall complete all materials honestly and without omissions.

## **PRINCIPLE VI PROFESSIONAL RELATIONSHIPS**

Professionals must honor their responsibility and loyalty to the public, their profession, and their relationships with colleagues and members of related professions.

- A.** Professionals shall not participate in activities that conflict with the interests of the profession or with social and moral standards in ways that could affect the profession's image.
- B.** Professionals must educate the public clearly and accurately about speech, language, and hearing processes and problems, and about matters within their professional competence.
- C.** Professionals must strive to expand their knowledge within the profession and share their knowledge and research with colleagues and other professionals.
- D.** Professionals must establish harmonious relationships with colleagues and members of other professions regarding services provided by speech-language pathologists, speech-language therapists, and audiologists, and request reciprocal information from these colleagues.
- E.** Professionals must present products, work, or publications they have developed to colleagues with a high level of professionalism and give credit to those who contributed.
- F.** Professionals must communicate with other professionals providing similar services to a client (speech-language pathologists, speech-language therapists, and/or audiologists) to avoid unnecessary duplication of services. Communication between them may be in writing, by telephone, virtually, or in person. Nevertheless, professionals may provide services in such circumstances after carefully considering the possible effects on the client's welfare. They must discuss the details of these arrangements with the client to minimize the risk of confusion, conflict, or harm and, to the extent possible, with the other

professionals involved, after determining that the services are complementary rather than duplicative.

- G.** If a professional becomes aware of an ethical violation by another professional, they must first make an informal approach to inform the person of the matter. If the violation is not resolved through this informal approach, the professional must bring it to the attention of the OPPHLA Ethics Committee.
- H.** The professional may likewise file a complaint with the examining board for speech-language pathology, speech-language therapy, and audiology, or with another regulatory body, if the professional suspects a violation of the law regulating the professions.
- I.** Professionals are responsible to their profession and the public for reporting any violation of the principles set forth in this Code of Ethics.
- J.** Speaking disparagingly of colleagues or other professionals is inconsistent with ethics and professional relationships. When there is reasonable doubt about a colleague's or another professional's competence, the professional shall first speak with that person with a view to corrective action in accordance with the principles set out here.
- K.** Professionals shall not participate in referral-fee or other payment arrangements among professionals or companies.
- L.** Professionals shall uphold the dignity and autonomy of the profession while maintaining harmonious, collaborative, and interprofessional relationships.
- M.** Professionals shall not engage in dishonesty, fraud, misrepresentation, or sexual harassment.
- N.** Professionals shall not engage in sexual activity with clients, students, or colleagues over whom they exercise professional authority.
- O.** Professionals must clearly attribute the ideas of other professionals in talks, conferences, or writings.

## **PRINCIPLE VII PROVISION OF SERVICES IN PRIVATE PRACTICE**

- A.** Professionals providing services in private practice shall follow the principles set forth above in this Code.
- B.** Professionals may enter into agreements with public and/or private organizations to provide professional services, provided that those agreements do not violate the principles of this Code.
- C.** Professionals shall provide only those professional services for which they are qualified by education or clinical experience.
- D.** Professionals shall take all reasonable precautions to avoid harming or injuring persons receiving professional services.

- E.** Professionals are responsible for informing clients about the prognosis for services to be provided and shall not guarantee, expressly or implicitly, the results of any treatment, procedure, or recommended product.
- F.** Professionals shall provide adequate supervision and assume responsibility for services delegated to speech-language therapists or support personnel.
- G.** Professionals shall not delegate services requiring professional competence to unqualified persons.
- H.** Professionals shall not charge for services that have not been provided.
- I.** Professionals shall obtain informed consent from persons receiving services concerning the nature and possible risks and effects of the services provided, technology used, or products recommended. This obligation also includes informing the person receiving services of the possible consequences of not participating in treatment or not following clinical recommendations. If the person receiving services is suspected of having diminished decision-making capacity, an appointed or authorized legal representative should be asked to provide the appropriate authorization on that person's behalf.
- J.** Professionals may charge clients a fee for missed appointments or cancellations, provided the client or representative was informed of this policy. This provision does not apply to cases served under contracts with public or private entities whose procedures do not contain such a policy.
- K.** Professionals may withdraw from a case provided they explain to the client or representative why they cannot continue providing services. They must take reasonable steps to prevent harm to the client, such as providing information on locations or professionals where the client can obtain services needed to address the condition. Upon withdrawal, the professional must provide the client or representative with copies of all documents necessary for another professional to continue treatment and must be available for any discussion of the case.

### **Internal Guide to Rules and Procedures Concerning Alleged Violations by Members of the Code of Ethics of the Puerto Rican Organization of Speech-Language Pathology and Audiology**

The Ethics Committee is responsible for interpreting, administering, and enforcing the Organization's Code of Ethics. The Ethics Committee adopts the following practices and procedures for administering and enforcing the Code of Ethics among the Organization's members.

Each case must be evaluated individually, and two similar cases need not be identical. Accordingly, the Ethics Committee is responsible for exercising its judgment on the merits of each case and in its interpretation of the Code.

## **A Investigative Procedures**

1. Alleged violations must be reviewed by the Committee, which has discretion to determine whether it considers an investigation necessary and appropriate. If, after this review, the Committee decides to investigate an allegation, it must notify the respondent in writing of the alleged offense. It must also inform the respondent that they must reply to the allegation in writing within 45 calendar days after the date on which the Committee notified them.
2. The Committee may, at its discretion, inform the Organization's Board of Directors that the respondent is under Committee investigation.
3. The Committee must consider all reliable information relevant to its investigation, including the respondent's response to the allegation, and must base its initial determination on that information.
4. If the Committee finds insufficient evidence to warrant continuing the proceedings, it must notify the respondent and the complainant that the investigation has ended.
5. If the Committee finds sufficient evidence to continue the proceedings, it must issue an Initial Determination stating the nature of the violation, the proposed sanction, and the disclosure of evidence.
6. As part of its Initial Determination, the Committee may order the respondent to cease and desist from any practice found to violate the Code of Ethics. Failure to comply with a cease-and-desist order is itself a violation of the Code and usually results in revocation of membership.
7. The Committee must notify the respondent of its Initial Determination. The notice must also inform the respondent of the right to request reconsideration by the Committee.

## **B Notices and Responses**

All notices and responses must be in writing and must be sent to the respondent by certified mail at the address appearing in the Organization's records.

## **C Sanctions**

Sanctions shall consist of one or more of the following: reprimand, censure, or withholding, suspension, or revocation of membership.

## **D Disclosure**

1. Once final, the Committee's decision must be published in the Organization's newsletter or magazine unless the sanction is a reprimand. In the case of a reprimand, the Committee's decision must be disclosed to the respondent, the respondent's attorney, and the Board of Directors. They must be advised that the decision is strictly confidential and that any breach of that confidentiality by a party who is an Organization member is itself a violation of the Code.

2. In some cases, including cases involving a reprimand, the Committee may determine that the decision should be revised to protect the identities of the parties involved.

### **E Further Consideration of the Ethics Committee Initial Determination**

1. When the notice of the Committee's Initial Determination states that the respondent has violated the Code of Ethics and announces a sanction and disclosure of evidence, the respondent may request further consideration of the Initial Determination by the Ethics Committee.
2. The respondent's request for further consideration must be in writing and must be received by the Committee no later than 30 calendar days after the Initial Determination. The request must specify which aspects of the Initial Determination are allegedly incorrect and why. [The source text then states that the Initial Determination becomes the Committee's final decision and cannot be appealed to the Board of Directors; its wording concerning a timely request is unclear.]
3. If the respondent submits a timely request for further consideration, the Committee must schedule a hearing and notify the respondent. At the hearing, the respondent may submit a brief summary or appear in person to present evidence and may be accompanied by counsel. The proceeding may be informal. Strict adherence to procedural rules may not be required, but the evidence presented must be given its proper weight. As an alternative to appearing in person, the Committee may allow the respondent to present information and answer the Committee's questions by telephone. All personal expenses related to a further-consideration hearing, including travel and lodging for the respondent, the respondent's witnesses and attorney, and other expenses, are the respondent's responsibility. The hearing must be transcribed in full. At the respondent's request, a copy of the transcript shall be provided at the respondent's expense.
4. After the further-consideration hearing, the Committee must decide and notify the respondent. If the evidence presented at the hearing warrants it, the Committee may modify its findings, increase or decrease the severity of the sanction, and/or modify the extent of the disclosure communicated to the respondent in the notice of the Initial Determination. This decision shall be the Committee's decision and, in the absence of a timely appeal to the Board of Directors, shall be final.

### **F Appeal of the Committee Decision to the Board of Directors**

1. [The source text uses "may accept" here, although the remainder of this item describes an appeal.] When the decision requires revocation of membership or publication of the sanction in the newsletter or magazine, the respondent may appeal the Committee's decision to the Board of Directors. A written request for appeal must be received by the Committee no later than 30 calendar days after the date of notice of the Committee's decision.
2. The appeal must specify which aspects of the Committee's decision are allegedly erroneous and why.

**3.** The Board of Directors shall describe the procedure for a hearing before it.

### **G Reinstatement**

Revoked memberships may be reinstated within one year with the approval of two-thirds of the Committee. The applicant shall seek to demonstrate that the reason or reasons for revocation no longer exist and that, upon reinstatement, the applicant will comply with the Code of Ethics.