

PREFACE

Applied Ethics

Applied ethics focuses on actual situations that require us to make *good, right, or appropriate* decisions. Applied ethics imports moral principles, clinical and scientific facts, and legal principles. Applied ethics does not tell us what to do in concrete situations but rather helps us *reason* and *justify* our moral choices. For speech-language pathologists, ethics decision-making includes considerations from moral theory, and from statutory, constitutional, administrative, and common law. Horner's lead article, entitled *Morality, Ethics, and Law: An Introduction*, lays the groundwork for this issue of *Seminars in Speech and Language* by defining morality and ethics, defining several ethics principles and their origins, explaining different types of moral dilemmas, and contrasting law and ethics.

In addition to understanding these basic concepts in morality, ethics, and law, speech-language pathologists must understand, and abide by, the principles and rules in the Code of Ethics promulgated by the American Speech-Language-Hearing Association (ASHA).¹ ASHA's Code of Ethics uses both mandatory and exhortatory language, and intermingles terms from law and virtue ethics, as well as general morality. It is important for readers to understand that ASHA's Code of Ethics applies only to a member of ASHA, an applicant for membership, a certificate holder, or a Clinical Fellow,² and exists separately from, and side by side with, licensure law, as well as statutes and legal cases of a more general nature.

Because this issue of *Seminars in Speech and Language* is intended to offer practical guidance

to clinicians, the issue is organized by topic: cognitive disorders, swallowing disorders, motor speech disorders, telepractices, and research. The basic idea that ethics is grounded in values and principles provides the common thread among these articles. To assist readers in their application of morality, ethics, and law to clinical practice, the authors illustrate their ethics reasoning using hypothetical cases, derived from their knowledge of the science and art of speech-language pathology.

Clinical Ethics in the Context of Language and Cognitive Impairment: Rights and Protections, by Brady Wagner, discusses the various facets of decision-making capacity in individuals with disorders affecting language and other forms of cognition, explains the duty of clinicians to fully disclose information to patients and their healthcare surrogates, and, above all, describes the importance of respecting the preferences of patients—using either a “substituted judgment” or a “best interests” approach.

Sharp and Bryant, in *Ethics Issues in Dysphagia: When Patients Refuse Assessment or Treatment*, reinforce the importance of decision-making capacity assessment, the use of surrogates and advance directives, and the importance of patients' legal rights. They focus on a common problem faced by clinicians who treat swallowing disorders, namely, whether and under what circumstances to respect a patient's choice to refuse a feeding tube.

Clinical and Professional Ethics in the Management of Motor Speech Disorders, by Strand, intertwines the principles of respect for autonomy, beneficence, nonmaleficence, and jus-

Ethical, Moral, and Legal Issues in Speech and Language Pathology. Editors in Chief, Nancy Helm-Estabrooks, Sc.D., and Nan Bernstein Ratner, Ed.D.; Guest Editor, Jennifer Horner, Ph.D., J.D. *Seminars in Speech and Language*, volume 24, number 4, 2003. ¹Medical University of South Carolina, College of Health Professions, Charleston, South Carolina. Copyright © 2003 by Thieme Medical Publishers, Inc., 333 Seventh Avenue, New York, NY 10001, USA. Tel: +1(212) 584-4662. 0734-0478,p;2003,24;04,261,262,ftx,en;ssl00170b.

tice with precepts peculiar to professional ethics, such as veracity, confidentiality, and fidelity. She illustrates clinical and professional ethics reasoning using realistic cases involving motor speech disorders arising from neurodegenerative conditions, cancer, stroke, and trauma.

Denton addresses a topic of particular contemporary interest, Ethical and Legal Issues Related to Telepractice. His article highlights issues such as clinical competence, standard of care, informed consent, and the use of support personnel when rendering services at a distance using current electronic media and related technologies. Using realistic vignettes, Denton illustrates the situation where the clinician and the patient live in two different states, and concludes that, to comply with state licensure law, speech-language pathologists engaged in telepractice should be licensed in both their home state and the patient's home state.

Last but not least, speech-language pathologists are required to adhere to ethics rules pertaining to research. Research ethics focuses on maintaining the integrity of the scientific process by requiring basic and clinical researchers

to adhere to responsible research practices, including the obligation to protect human participants and animals subjects who serve as sources of quantitative and qualitative research data. In her article, Research Ethics 101: The Responsible Conduct of Research, Ingham explains that researchers are obligated morally and legally to avoid misconduct involving plagiarism, falsification, and fabrication. She also discusses and illustrates conflicts of interest, mentoring relationships, whistle-blowing, the ethics of peer review and editorial practices, authorship assignment, and a host of related issues of interest to everyone who is involved in basic research and evidence-based clinical practice.

Jennifer Horner, Ph.D., J.D.
*Guest Editor*¹

REFERENCES

1. American Speech-Language-Hearing Association. Code of Ethics (revised). ASHA Supplement 23. Rockville, MD: American Speech-Language-Hearing Association; 2003