

Standards of Professional Conduct

Adopted by the House of Delegates, June 2011

Background:

The profession of optometry is privileged to serve the eye care needs of the public and is entrusted by society to do so in a professional and ethical manner. The placement of the patient's interests above self-interest is referred to as fiduciary duty and is the primary ethical responsibility of all health care professionals. Specifically, optometrists have the duty to look after the best interests of their patients with regard to the patient's eye, vision and general health. Additionally, the ethical optometrist strives to protect and enhance the health and welfare of the public in general.

The American Optometric Association (AOA) has adopted a Code of Ethics and Standards of Professional Conduct to guide optometrists in their professional and ethical duties. These documents are supplemented by The Optometric Oath, and certain AOA House of Delegates' resolutions and Board of Trustees' policy statements. The content of these ethical documents and pronouncements is the result of a continually evolving relationship between the profession of optometry and the society it serves. While the Code of Ethics of the American Optometric Association sets forth the basic tenets of ethical behavior for optometrists, the Standards of Professional Conduct is a more evolving document that amplifies the Code of Ethics and describes appropriate ethical and professional behaviors in greater detail. It is the intent of the American Optometric Association that the Code of Ethics and the Standards of Professional Conduct be written expressions of and a continuing commitment to professional and ethical behavior for all optometrists.

Discussions of biomedical ethics traditionally identify four categories or fundamental principles of ethical behavior: patient autonomy, non-maleficence, beneficence, and justice. These principles provide the underlying support for specific ethical behaviors within the health care professions. Each of the topic areas within the AOA Standards of Professional Conduct is arranged under one of these principles. While each topic area can be identified and justified under several if not all of the principles, they are arranged here under what could be considered the most compelling principle for each. A fifth category, Non-patient Professional Relationships, is added to complete the content of the AOA Standards of Professional Conduct. It should be noted that these ethical documents and pronouncements are expressions of many but not all of the ethical ideals of the profession and are not necessarily expressions of legal obligations.

Ethics and the law are two different entities, although many times these may overlap. The law sets minimum standards for societal behavior that all persons must comply with. Ethics generally sets higher than minimum standards for behavior that people should strive for as the ideal.

Standards of Professional Conduct:

A – Patient Autonomy (“self-determination”)

The optometrist has the duty to involve the patient in care and treatment decisions in a meaningful way, with due consideration of the patient's needs, desires, abilities and understanding, while safeguarding the patient's privacy.

- 1. Patient Participation:** Optometrists have a duty to respect the right of their patients to be active participants in decisions affecting their health care. This duty should be reinforced and supported through patient education and effective communication.
- 2. Confidentiality:** Optometrists and their staff should hold in confidence all protected health and other personal information. This is an essential element of the doctor-patient relationship that is necessary to build and maintain trust. The optometrist may reveal protected health and other personal information only with the written consent of the patient as defined under the Health Insurance Portability and Accountability Act (HIPAA). However, exceptions to confidentiality do exist that are ethically justified. These exceptions occur either when it is necessary to protect the welfare of the patient or others when faced with a significant threat, or when the release of information is required by law. It should be noted that an ethical imperative of an optometrist to release information to protect the welfare of the patient or others without the patient's consent may have legal considerations.
- 3. Truthfulness:** Telling the truth is a necessary component of a trusting optometrist-patient relationship. From an ethical standpoint, there are two levels of truthfulness, veracity and candor. Simply put, veracity is “telling the truth” and candor is “telling the whole truth.” Optometrists should always practice veracity and strive to tell the truth. While candor is usually required from an ethical standpoint, exceptions are only justifiable out of kindness to the patient or to protect the overall best interests of the patient. Since breaching candor would be a violation of the basic principle of patient autonomy, it should only be considered after careful reflection and weighing the alternatives.
- 4. Informed Consent:** Optometrists have a duty to inform patients or their legal guardian about the patient's health care and health care options. The process of informed consent requires the optometrist to make a reasonable determination of the patient's ability to reason and make informed decisions free of external coercion. Additionally, optometrists should explain to the patient or their legal guardian the patient's health care status, what appropriate procedures are available, and the risks and benefits of each procedure.

Finally, optometrists should make the effort to ensure that the patient or guardian has a reasonable understanding of the information presented.

- 5. Patient Records:** The optometrist is responsible for maintaining appropriate and accurate records on every patient encounter. Upon written request and in accordance with applicable federal and state laws, patients or their legal guardian have a right to obtain or have sent copies or summaries of their medical records.

B – Non-maleficence (“do no harm”)

The optometrist has the duty to avoid acts of omission or commission that would harm the patient.

- 1. Standards of Care:** Optometrists should strive to provide care that is consistent with established clinical practice guidelines such as those adopted by the American Optometric Association that are based on the latest scientific knowledge and procedures and utilize the opinions of authoritative experts and is in accordance with existing laws.
- 2. Professional Competence:** Optometrists have an obligation to strive to stay current with the prevailing scope of practice and standards of care to benefit their patients. Additionally, optometrists should employ only those clinical procedures and treatment regimens for which they are educated and competent to perform.
- 3. Delegation of Services:** Optometrists may delegate services to office staff as permitted by law. For any services performed on patients by office staff, the optometrist should ensure that they are adequately trained and/or certified. The staff member’s level of training or designation (technician, assistant, etc.) should be communicated to the patient receiving care. One example of this communication would be a name tag identifying the individual’s designation.
- 4. Conflict of Interest:** The care of a patient should never be influenced by the self-interests of the provider. Optometrists should avoid and/or remove themselves from any situation that presents the potential for a conflict of interest where the optometrist’s self-interests are in conflict with the best interests of the patient. Disclosure of all existing or potential conflicts of interest is the responsibility of the optometrist and should be appropriately communicated to the patient.
- 5. Referral:** An optometrist should refer a patient whenever the optometrist believes this may benefit the patient. The provider and/or facility to which the patient is referred should be based primarily on what is in the best interest of the patient. When a patient is referred to another health care provider, the referring optometrist should remain involved in co-managing the patient’s overall care. An optometrist should not offer or accept payment of any kind, in any form, from any source, for referring a patient.

Payment between health providers, or from a health service industry, solely for the referral of a patient, is considered fee splitting and is unethical.

- 6. Relationships with Patients:** Optometrists should avoid intimate relationships with patients as such relationships could compromise professional judgment or exploit the confidence and trust placed in the optometrist by the patient. If such a relationship does inadvertently develop, the professional care of this patient should be transferred to another optometrist.
- 7. Impaired Optometrist:** Optometrists who are impaired because of the use of controlled substances, alcohol, or other chemical agents should remove themselves from patient care activity. In an effort to protect patients and encourage help for impaired providers, optometrists should assist impaired colleagues in seeking professional help and/or identify impaired colleagues to appropriate state agencies or licensing boards. Optometrists who have physical or cognitive limitations should not provide professional care if the condition limits their ability to provide the highest level of care to their patients.

C. - Beneficence ("do good")

The optometrist has the duty to proactively serve the needs of the patient and the public at large regarding eye, vision and general health.

- 1. Character:** Optometrists should conduct themselves with good character in all of their actions to build trust and respect with patients, the public, and colleagues. Good character includes but is not limited to honesty, integrity, fairness, kindness, and compassion.
- 2. Respect for the Law:** Optometrists should comply with all applicable state and federal laws and should remove themselves from any situation which prevents them from fulfilling their legal and professional responsibilities. It should also be noted that ethical duties may sometimes exceed legal obligations.
- 3. Protected Populations:** Optometrists have the responsibility to identify signs of abuse and neglect in children, dependent adults and elders and to report suspected cases to the appropriate agencies, consistent with state law.
- 4. Public Health:** Optometrists have an ethical obligation primarily to their patients but also to society in general. As primary health care providers, optometrists should participate actively in professional organizations and other efforts that enhance the eye, vision, and general health of their patients and the public. Optometrists should also strive to ensure that all persons have access to eye, vision, and general health care.

- 5. Clinical Research and Trials:** It is the ethical responsibility of an optometrist to maintain integrity and independent judgment in all research endeavors to advance the best interests of patients, the public welfare, and the profession. Optometrists who conduct research should adhere to accepted scientific conduct guidelines and respect all ethical tenets that protect patients' rights. When collaborating with industry, optometrists should encourage and support the timely and accurate publication of all scientifically relevant findings. Optometrists who present scientific information should fully disclose any financial and/or other relationship that exists with a company when its product or services are discussed in the presentation.

D – Justice (“fairness”)

The optometrist has the duty to treat patients, colleagues, and society fairly and without prejudice.

- 1. Patient Selection:** Optometrists, in serving the public, may exercise reasonable discretion in selecting patients for their practices. However, services should not be denied on the basis of discrimination or to patients presenting with emergent conditions.
- 2. Patient Abandonment:** Once the optometrist has undertaken a course of treatment, the optometrist should not discontinue treatment without giving the patient adequate notice and the opportunity to obtain the services of another eye care provider. Optometrists are responsible for ensuring appropriate follow-up care when not available to render such care.
- 3. Advertising:** Advertising by optometrists should be truthful and in accordance with prevailing federal and state laws and regulations. Optometrists who advertise should identify their professional degree and/or their profession in all forms of advertising and should never mislead the public regarding their expertise or competency. Optometrists should not hold themselves as having superior knowledge or credentials other than their earned degrees, certifications or license types.
- 4. Economic Interests:** Fees for optometric services should be reasonable and accurately reflect the care delivered to the patient.

E – Non - patient Professional Relationships

Optometrists have an obligation to conduct themselves with integrity and without conflicts of interest in all of their professional relationships.

- 1. Relationships with Industry:** In their interactions with industry, optometrists are expected to maintain the highest level of ethical conduct in order to retain their professional autonomy and clinical integrity. Optometrists have a responsibility to provide the best care possible for their patients and to continuously advance their

clinical and scientific knowledge. Industry can be a valuable resource in these endeavors. However, optometrists should avoid situations and activities that would not be in the best interest of their patients. Any financial and/or material incentive offered by industry that creates an inappropriate influence on an optometrist's clinical judgment should be avoided.

- 2. Employer-Employee Relationships:** Optometrists should avoid or terminate any employment situation where the employer interferes with or attempts to control the independent professional judgment of the employed optometrist within the scope of optometric practice. Relations between optometrists, and between optometrists and staff, should be conducted in a manner that advances the best interests of patients, including the sharing of relevant information. An optometrist's clinical judgment and practice should not be compromised by economic interest in, commitment to, or benefit from professionally-related commercial enterprises.
- 3. Harassment and Relationships with Subordinates:** An optometrist should not engage in any acts of emotional abuse, physical abuse, or sexual misconduct/exploitation related to the optometrist's position as a health care professional. Intimate relationships, even when consensual, between an optometric supervisor and a colleague, student, office trainee, or staff member raise concerns because of inherent inequalities in the status and power of the individuals and are therefore inappropriate.
- 4. Expert Testimony:** When optometrists provide expert testimony within a judicial or administrative action, the testimony should be balanced, fair, and truthful based on scientific and clinical knowledge. A reasonable fee, which is not contingent upon the outcome, may be accepted.