



Brazilian Federal Council of Phonoaudiology New Code of Ethics

The 2004 version of this Code of Ethics consists of 11 Chapters (some listing 28 sub principles as well). According to the law n.6965/1981, which rules the profession of Phonoaudiology in Brazil, here is the revision of the professional Code of Ethics, Statement of Principles and Rules.

Chapter I - Preamble

§1st The present Code of Ethics rules the rights and duties of the BFCP affiliated members. The BFCP functions both to revise the Code and as an appeals body, as well as to monitor and set the standards of the professional exercise, among other limits. The five Regional Councils function as first instances to any appeal.

§2nd Ethical proscriptions and punishment will derive from lack of observance of these principles.

Chapter II –General principles

§3rd Phonoaudiology is a profession ruled by the law n.6965/1981 from December, 9th 1981, decree n. 87.218, from May, 31st 1982.

§4th Ethical principles in Phonoaudiology are constituted by:

I – Exercise of activity which beneficiates the human being and all the community, keeping dignified behavior without discrimination of any nature;

II –Scientific and technical update is needed to the complete performance of the activity.

III – Providing of harmony among the class.

Chapter III – General rights

§5th – Rights.

I – to exert the activity, without being discriminated;

II - to perform the activity with autonomy and conviction freedom;

III – to evaluate, ask, elaborate and realize exams, diagnosis, treatment and research, to emit opinion, point of view, report, to teach, technical responsibility, assess, consult, coordinate, administrate, orientate, and other procedures need to the professional exercise of the activity.

IV – liberty to develop studies and research, respecting the individual or group rights involved in these works;

V – liberty to express an opinion and make movements aiming the defense of the class;

VI – to demand proscriptions to the Regional Council of Phonoaudiology, whenever find violations the professional exercise of the activity;

VII – to consult the Council when there is any doubt related to the observance and application of this Code or in omit cases.

Chapter IV – General responsibilities

§6th Duties.

I – to observe and obey the law n. 6965/81 and the decree n. 87.218/82, this Code as well as the norms and determinations set by the Regional and Federal Councils;

II – to exert the whole activity, using knowledge and resources need to foster the client's and community well being;

III – to refuse to exert the profession when work conditions are not dignified, safe and secure;

IV – to point out norms and rule's failures when they are considered incompatible with the exercise of the activity or harmful to the client, referring these cases to the competent Organs;

V to take responsibilities for the performed act;

VI –to respect client's privacy;

VII – to utilize name and BRCP register number, in any phonoaudiological procedure, followed by signature;

VIII – to collaborate, whenever possible, in campaigns aiming the community's well being;

IX to respect BFCP or BRCP representatives whenever carrying out their duties, making easier the accomplishment of their tasks.

§7th Ethical infraction.

I – to utilize any academic title, which do not possess or specialization, which is not able to perform;

II – to allow inapt people to realize phonoaudiological practice or to be replaced by them;

III to adulterate results or make false statements about any situation or circumstance of the phonoaudiological practice;

IV – to negotiate, seduce, deviate, by any means, the client for self or other's benefit;

V–to receive or demand payment, commission or advantage for phonoaudiological services there are not being effectively provided;

VI –to sign any phonoaudiological procedure realized by others or request to other professional to sign in his place.

Chapter V- Relationship

Section I – Phonoaudiological duties toward the client

§8th-The client is defined as the physical or juridical person who utilizes phonoaudiological services.

§9th The phonoaudiologist must:

I –respect the client and do not allow any disrespect;

II - inform the client his qualification, responsibilities and functions, as well as of the team members, whenever need be;

III advise properly, the client about the purposes, risks, costs and treatment assessment procedures, as well as equivalent phonoaudiological treatments implications, when they simultaneously practiced;

IV – elucidate properly the client about the risks, environmental and social influences of the communication disorders and about the clinical feature evolution, and about the handicap which may arise from a possible disruption in the phonoaudiological treatment, being the professional released from any responsibility, in case of the client keep on this purpose;

V - elaborate, provide report, exam result, to emit opinion, point of view whenever asked by the client;

VI –allow the access of the legal representative or responsible during the evaluation and treatment, except when this presence compromises the assessment efficacy;

VII – allow the client's access to his file, report, exam realized by the phonoaudiologist, getting all information need for his comprehension, even when the service was offered by others.

§10th Ethical infraction.

I – to abandon the client, except for justified motive;

II – to execute or offer not necessary treatment or to which the phonoaudiologist is not apt;

III – to exaggerate or minimize the diagnostic or prognostic features, making the therapy more complicated or exceed in number of consults or in any other phonoaudiological procedures;

IV – to begin treatment of disabled people, without their legal representative authorization;

V – to use techniques or materials in the treatment, which proved to have no efficacy;

VI– to guarantee treatment results through infallible, sensationalist or content untrue treatment;

VII – to write point of view, reports which do not reflect the truth of the facts or of which has no participation;

VIII - to obtain any undue advantage from the clients;

IX – to use the profession to corrupt, damage or alter the client's personality and/or physical or psychological integrity or be conniving with this practice.

Section II - Professionals –

§11th. The phonoaudiologist must:

I – behave according to another colleague when simultaneously seeing the patient;

II – ask for another professional advice, whenever need be;

§12th. Ethical infraction:

I to practice or allow disloyal competition;

II – to be accomplice, under any circumstance, of persons who exert the profession, illegally or commit ethical infraction;

III – to emit technical-scientific invalid statement about other professional;

IV – to obtain or demand improper advantages from colleagues in professional relationships;

V – to let to refer to the responsible professional the client who was referred to you asking for a specific procedure or temporary substitution, except if the client demands or presents handicap; this fact must be compulsorily communicated to the colleague.

VI – to utilize an hierarchical position to prevent or difficult the subordinate of realizing their works or behave according to the ethical principles;

VII – to change a phonoaudiological conduct determined by another phonoaudiologist, even when he/she is the chief or auditor, except in hazardous situation for the patient; this fact must be immediately communicated to the responsible phonoaudiologist;

VIII – unjustifiably deny technical cooperation or professional services to a colleague.

Chapter VI – Professional secrecy

§13th. The phonoaudiologist must

I - keep secret about facts that he is aware of arising from his work with the client, except for a fair motive;

II keep secret about information coming from other professionals involved with the case;

III – when elaborating his client's file, keep it in a proper place, trying to avoid strange people to access it;

IV – advise collaborators and students about professional secrecy;

*1st It is understandable as fair motive, mostly:

a) a situation in which silence may cause risk to the professional, client and community's integrity;

b) a situation under judicial determination.

*2nd – It does not constitute lack of professional secrecy the statement of the treatment to the Judiciary Power, in actions that aim to charge professional fees.

Chapter VII – Professional Fee

§14th. In determining the professional fees, may be considered the following:

I – the client and community's socioeconomic situation;

II – the professional qualification and title;

III – the values usually processed by the category;

IV – the time used in the delivering of service;

V – the aspect of permanent or eventuality of treatment;

VI – the operational cost.

Single Paragraph: it is a citizen's right to present his fees, separately, when other professionals participate in the treatment.

§15th. Ethical infraction.

I – to offer or deliver phonoaudiological services free of charge to a public entity of any nature or to companies and to participate of projects and other enterprises which aim profits free of charge as well;

II – to receive or give any tip for client's referral;

III – to receive or charge additional value to an already paid service, from a client who has an accord or contract.

Chapter VIII – Academic background, research and publication

§16th. In academic background, research and publication, the phonoaudiologist must:

I - observe and divulge the rules of this Code;

II – be impersonal in relation to the critics or disagreements arising from theory and techniques of other professionals, aiming not the author but the theme or subject;

III when client's data or identifying image are used, ask for his or his legal representative's free consent;

IV – be responsible for phonoaudiological services, academic and scientific productions executed by students under his supervisions;

§17th. Ethical infraction.

I – to falsify data or distort their interpretation;

II - to divulge or utilize techniques or materials, which has no proved efficacy;

III – to use an hierarchic position to block or difficult a colleague to use institutional resources and facilities under his supervision, in the development of research, except for strict loyal duty;

IV – to profit from hierarchic position to impose the name, as a co-author of a scientific paper in which has no participation at all;

V – to present as being his, in a whole or part, another's scientific work, even if has not been published yet;

VI – to utilize, without author's reference or express consent, any data, information or opinion collected in parts either published or not;

VII – to utilize the position influence to seduce or attract client's referral to the private clinic;

VIII - to disobey rules of the capable organ and present legislation of research.

Chapter IX – Media

Section I – Communication ways –

§18th. When promoting services to the public, the phonoaudiologist must do it with exactness and dignity, observing the rules of this Code, as well as the BFCP and RCP norms.

§19th. The professional use of Internet must follow the rules of this Code and other pertinent standards.

Section II Advertising and publicity –

§20th. Advertising, press release, folder must have written the name of the professional, profession and RCP affiliate number, including also:

I – specializations the phonoaudiologist is able to perform;

II – the academic background and titles;

III–address, telephone, electronic mail, time schedule and treatment methods, contracts and covenants;

IV – facilities, equipments and treatment methods;

V – trademark, symbols related to Phonoaudiology.

§ 21st. Ethical infraction:

I – to advertise prices and payment modalities in open publications, except when divulging courses, lectures, seminars and similar;

II – to consult, diagnose or prescribe treatment by any mass communication means;

III –induce public opinion to believe that there is clinical reserve of professional market in determined procedures.

Section III - Interview –

§22nd. The affiliated professional may use communication means to be interviewed or divulge public lectures about phonoaudiological issues, of social interest and educative target.

Chapter X - Observance, application and accomplishment of the Code of Ethics

§23rd. The competent RCP must investigate the possible transgressions of the professional against this Code and apply the penalties of the present legislation.

Single Paragraph: The phonoaudiologist makes a huge infraction if he/she does not attend the solicitations, notifications, intimations or convocations from the BFCP or RCP.

§24th. The rules of this Code are mandatory and transgression will submit the transgressor to the penalties prescribed by the law n.6965/81.

§25th. Foreign phonoaudiologists, when working in the National territory, must obey rules and norms of this Code.

Chapter XI – Final considerations

§26th. In case of doubt in observance of this Code and the omit cases shall be referred by the RCP, being appreciated and judged by the BFCP.

§27. The Brazilian Federal Council of Phonoaudiology can modify this Code of Ethics, either by own initiative or by the Regional Council's

§28. This Code of Ethics shall function in the date of its publication and all contrary dispositions are over.

Brasilia, March 6th, 2004.

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