

Professional Ethics

The Profession exists for the primary purpose of assisting patients in maintaining functional lives. The ABC Credential Holder shall be responsible for making the greatest possible effort to satisfy the patient's orthotic, prosthetic and/or pedorthic requirements. The manner in which the patient is served is an essential factor relating to the appropriate ethical professional conduct. Members of the Profession are responsible for maintaining and promoting ethical practice including, without limitation, reporting unethical practices, in accordance with this Code. This Code, adopted by ABC, shall be binding upon all ABC Credentials Holders.

CFts Credential

Use of Credential

The ABC Credential Holder shall use the fact that he/she/it is credentialed only as evidence of meeting the requisite standard of knowledge and competency in the discipline in which the ABC Credential Holder is credentialed, as defined by ABC. The ABC Credential Holder shall not use any titles or designations awarded by ABC if his/her/its ABC credential is not in good standing for any reason.

Ethics, Customs and the Law

Unethical conduct may involve violations of customs and usages of the Profession as well as actions that violate federal, state and/or local laws and/or regulations. Failure to conform to this Code, including conduct that violates moral principles, customs and practices of the Profession, laws or regulations, may be subject to disciplinary action in accordance with the Rules and Procedures Regarding the Code of Professional Responsibility (Rules).

Responsibilities to Physicians and other Licensed Healthcare Prescribers

Diagnosis and Prescription

It is the responsibility of the ABC Credential Holder to work in conjunction with physicians and other licensed healthcare prescribers to determine the medical appropriateness of the pedorthic device, as defined by the ABC Scope of Practice. The ABC Credential Holder must receive a prescription from a physician or other licensed healthcare prescriber or other valid order that meets the Profession's standards before providing any pedorthic device to a patient. Valid orders include but are not limited to: referrals, authorizations or hospital or skilled nursing facility orders, or other requests that are consistent with the Profession's standards.

The ABC Credential Holder may, without prescription or other valid order, provide a non-therapeutic pedorthic device if (i) he/she/it is not addressing a medical condition and (ii) he/she/it is not addressing the patient's biomechanical function.

Responsibilities to Physicians and other Licensed Healthcare Prescribers

Orthotic, Prosthetic and Pedorthic Evaluation and Recommendation

It is the responsibility of the ABC Credential Holder to recommend specific pedorthic (shoe) design. The ABC Credential Holder shall recognize that each individual patient is unique and deserves specific and responsive guidance. The ABC Credential Holder shall be guided at all times by concern for the physical, emotional, social and economic welfare of the patient. All decisions by the ABC Credential Holder must be made with the understanding and intent that the patient's best interests are of primary concern.

Responsibilities to Physicians and other Licensed Healthcare Prescribers

Changes in Patient's Condition

When appropriate, or when requested by the patient, physician or other licensed healthcare prescriber, the ABC Credential Holder shall monitor and observe the patient's physical condition in connection with the pedorthic care and the prescribed device to make certain the patient is responding appropriately. As soon as possible, the ABC Credential Holder must notify the physician or referring other licensed healthcare prescriber and the patient of changes in the patient's condition that affect the patient's pedorthic treatment plan.

Responsibilities to Physicians and other Licensed Healthcare Prescribers

Provision of Services

The ABC Credential Holder shall recognize the patient's freedom of choice in the selection of the podiatric provider. Professional affiliations, including employment and referral relationships, may not adversely limit access to services and shall not adversely affect the decision-making process of the ABC Credential Holder. The ABC Credential Holder must adhere to the ethical principles of ABC which shall take preference over business relationships.

Responsibilities to Physicians and other Licensed Healthcare Prescribers

Modifications

The ABC Credential Holder may repair or adjust a pedorthic device without notifying the prescribing physician or other licensed healthcare prescriber, however, such repairs or adjustments must conform to the original prescription or the prescription as modified by the prescribing physician or other licensed healthcare prescriber. Any repairs, adjustments, modifications or replacements that substantially alter the design or function of the originally prescribed devices must be authorized by the physician or the other licensed healthcare prescriber and documented in the patient's clinical record.

Responsibilities to the Patient

Confidential Information

All information relating to a patient's identity, background, condition, treatment or management plan or any other information relating to the ABC Credential Holder/patient relationship is, and shall always remain, confidential and may not be communicated to any person or entity who is not providing direct medical care to the patient without the prior written consent of the patient or patient's legal guardian. All patient information derived in a workplace from a working relationship relating to any patient shall be held and always remain confidential by all parties unless written permission to release the information is obtained from the patient or patient's legal guardian. No patient documentation shall be removed, copied or transferred by any ABC Credential Holder. The confidentiality requirements set forth in this Code shall be strictly adhered to by all ABC Credential Holders unless required otherwise by law or valid court order or subpoena, or if it becomes necessary to disclose such information to protect the welfare of the patient or the community. In such an event, any disclosure of confidential information shall be in accordance with applicable legal requirements.

Responsibilities to the Patient

Care

The ABC Credential Holder shall use all reasonable efforts to meet the patient's pedorthic needs. Upon accepting an individual for pedorthic services, the ABC Credential Holder shall assume the responsibility for performing the tasks associated with Patient Assessment, Formulation of the Treatment Plan, Implementation of the Treatment Plan, Follow-up Treatment Plan, Practice Management, and Promotion of Competency and Enhancement of Professional Practice, all within the scope of practice of the discipline(s) in which he/she are credentialed or privileged and as described in all ABC Practice Analyses, ABC Facility Accreditation Standards and the ABC Orthotic, Prosthetic and Pedorthic Scope of Practice (Scope of Practice), as they may be amended.

Responsibilities to the Patient

Research

In the event that the ABC Credential Holder desires to engage in a research project or study, he/she/it shall first ensure that: (i) all patients affiliated with such projects or studies consent in writing to the use of the results of the study; (ii) the data and information regarding the patient remains confidential; (iii) the dignity and well-being of the patient shall be primary concerns; (iv) the research is conducted in accordance with all federal, state and local law; (v) there is an absence of fraud; (vi) all data is fully disclosed; (vii) there is an appropriate acknowledgment of individuals making contribution to the research; and (viii) in the event that any acts in the conduct or presentation of research appears to be unethical and/or illegal, the ABC Credential Holder shall immediately report the unethical and/or illegal conduct to ABC and, if appropriate, the applicable law enforcement authority.

Responsibilities to the Patient

Trust and Honesty

The ABC Credential Holder shall be trustworthy and honest.

Illegal Discrimination

The ABC Credential Holder shall not decline to accept a patient on any basis that would constitute illegal discrimination under federal law.

Responsibilities to the Patient

Fees and Compensation

The ABC Credential Holder shall provide pedorthic devices based on the needs of the individual receiving the Services and not primarily for personal financial gain. The ABC Credential Holder shall not engage in false, misleading or deceptive actions in relation to the ultimate cost of the Services undertaken or furnished. The ABC Credential Holder shall not over-utilize or unnecessarily continue Services beyond the point of meaningful benefit for the patient or by providing services more frequently than necessary. The ABC Credential Holder shall not submit false or misleading information in requesting payment or reimbursement. The ABC Credential Holder may not deliver used devices or components when providing the Services without the prior written consent of the patient. The ABC Credential Holder may not deliver used components when billing for a new orthosis, prosthesis or pedorthic device and/or its repair.

Responsibilities to the Patient

Practice Arrangements

The ABC Credential Holder shall not: (i) directly or indirectly request, receive or participate in dividing, transferring, assigning or rebating any funds derived from a referral of a patient to any other individual or entity, whether affiliated with the ABC Credential Holder or otherwise or (ii) profit by means of a credit or other valuable consideration, such as, by way of example and without limitation, an unearned commission, discount or gratuity for providing Services except for the fees earned for Services performed for the patient. The ABC Credential Holder shall refer all patients to the most appropriate service provider, taking into consideration the nature and extent of the problem, treatment resources and availability of healthcare benefit coverage, and the likelihood of receiving appropriate and beneficial care. If the ABC Credential Holder is involved in an arrangement with a referring source in which the referring source derives income from the ABC Credential Holder's Services, the ABC Credential Holder must disclose all pertinent information to the patient including, without limitation, that the referring practitioner derives income from the provision of the Services. The ABC Credential Holder shall advise his/her employer of any employer or employee practice which is in contradiction with this Code.

Responsibilities to the Patient

Delay in Services

The ABC Credential Holder shall not accept any prescription or valid order when the ABC Credential Holder knows, or has reason to know, that the pedorthic device cannot be furnished within a reasonable period of time. In such instances, the ABC Credential Holder must discuss the situation with the patient and physician or other licensed healthcare prescriber in a timely manner. The ABC Credential Holder shall not unreasonably delay or allow for the unreasonable delay of the provision of Services.

Responsibilities to the Patient

Compliance with Laws and Regulations

The ABC Credential Holder shall provide Services in accordance with federal law and the laws and regulations of the jurisdiction(s) in which he/she/it provides Services.

Responsibilities to the Patient

Reporting

The ABC Credential Holder shall report to ABC any conduct about which the ABC Credential Holder is aware and that reasonably appears to violate this Code. This reporting requirement includes, without limitation, self-reporting, and the reporting about other ABC Credential Holders, in connection with a third-party investigation and finding, regardless of whether the investigation has been completed. Each ABC Credential Holder must make such disclosure to ABC within 30 days of the date from when he/she/ it learns of a possible Code violation.

Responsibilities to the Patient

Delegation of Responsibility

The ABC Credential Holder shall not delegate any task requiring unique skills, knowledge or judgment to an unqualified person. The primary responsibility for podiatric care performed by supporting personnel rests with the delegating ABC Credential Holder. Adequate supervision, as defined in ABC's Scope of Practice, is required to make certain the patient receives the necessary and appropriate care

Responsibilities to the Patient

Advertising and Public Communication

The ABC Credential Holder shall not provide any consideration to any member of the press, radio or television, or other communication medium in exchange for professional publicity in a news item. When advertising, the ABC Credential Holder may publicize himself/herself/itself through any commercial publicity or other form of public communication (including any newspaper, magazine, internet, telephone directory, radio, television, social media or other advertising) provided that the communication shall not: (i) contain a false, fraudulent, misleading, deceptive, unfair or sensational statement or claim; (ii) be misleading due to the omission of necessary material information; (iii) otherwise operate to deceive; (iv) be an unsolicited contact to an individual patient, in violation with any third party payer rules; or (v) promise remuneration of any kind, in exchange for providing Services, that would violate federal, state or local laws or regulations. Each advertisement shall be identified as an advertisement unless it is absolutely clear from the context that it is a paid advertisement.

Responsibilities to the Patient

Sexual Relations with Patient Prohibited

Except in unique and justifiable circumstances, as determined by the Committee in its sole discretion, the ABC Credential Holder shall not have consensual or nonconsensual sexual relations with a current or former patient of the ABC Credential Holder unless: (i) a consensual sexual relationship existed between the ABC Credential Holder and the patient prior to the provision of any Services; or (ii) the ABC Credential Holder has not provided any Services to the patient for a six month period preceding the beginning of the sexual relationship; or (iii) the ABC Credential Holder has not provided any Services for a six month period after the termination of the sexual relationship. The ABC Credential Holder shall not engage in, require or demand sexual relations with a patient incident to or as a condition of providing any Services.

Responsibilities to the Patient

Sexual Relations with Key Third Parties Prohibited

Except in unique and justifiable circumstances, as determined by the Committee in its sole discretion, the ABC Credential Holder shall not have consensual or nonconsensual sexual relations with a Key Third Party when such relations are based on the use or exploitation of trust, knowledge, influence or emotions derived from a professional relationship. A Key Third Party is a person who is closely related to the patient and shall include, but not be limited to, spouses or partners, parents, siblings, children, guardians, caregivers. Each matter shall be evaluated on a case-by-case basis. Factors to be considered shall include: (i) the nature of the patient's pedorthic needs; (ii) the length of the professional relationship; (iii) the degree of the Key Third Party's emotional dependence on the ABC Credential Holder; and (iv) the importance of the clinical encounter to the Key Third Party and the patient.

Responsibilities to Colleagues and the Profession

Dignity

The ABC Credential Holder has the responsibility to conduct himself/herself/itself in a manner that will assure the dignity and status of the Profession. Examples of unacceptable behavior include, but are not limited to, inappropriate conduct with a patient, falsifying documents, misusing the certification credential, slandering or libeling another, disparaging existing or former employers, disparaging existing or former employees and misrepresenting one's capacity as a provider of Services.

Responsibilities to Colleagues and the Profession

Substance Abuse

The ABC Credential Holder shall not use illegal drugs and/or any legally controlled substances resulting in the impairment of his/her professional judgment and/or ability to provide Services.

Responsibilities to Colleagues and the Profession

Solicitation

The ABC Credential Holder shall not, either directly or indirectly, solicit the patronage of individual patients by way of intimidation, threats, harassing conduct, undue influence, coercion, duress, remuneration, unwarranted promises of benefits or in violation with any third-party payer rules. The ABC Credential Holder shall not solicit a patient who is apparently in a mental condition that impairs his/her personal judgment to make decisions concerning the devices or Services being offered. The ABC Credential Holder shall not solicit a patient in a manner that is inconsistent with his/her/its obligation to act in a dignified manner as set forth in Code C4.1.

Responsibilities to Colleagues and the Profession

Examination

The ABC Credential Holder, including exam candidates and applicants, shall maintain the security and prevent the disclosure of ABC credentialing examinations and their content.

Application of the Code

Adherence to the Code

This Code shall apply to all ABC Credential Holders, including but not limited to NCOPE residents, individual applicants, exam applicants and candidates, credentialed individuals, accredited facilities and facility applicants. An ABC accredited facility is subject to and shall comply with this Code and the Rules. This obligation includes, without limitation, the actions of its employees or independent contractors who provide patient care services for the facility, regardless of their individual credentialed status. The credentialed principals and credentialed officers of a facility shall be responsible for the facility's employees' or independent contractors' compliance with this Code and the Rules, regardless of whether the employees or independent contractors are credentialed

Patient Care by Other Healthcare Individuals

Concern about Care by Other Healthcare Professionals

The ABC Credential Holder should exercise appropriate respect for other healthcare professionals. Concerns regarding patient care provided by other such professionals should be addressed directly to those professionals rather than to the patient. In the event that such concerns rise to the level of possible criminal violation, incompetence or malpractice, then the ABC Credential Holder must immediately notify the appropriate law enforcement, credentialing or licensure authority and if necessary, the patient or legal guardian