

FOREWORD

Ethical, Moral, and Legal Issues in Speech and Language Pathology

It may be that the timing of this issue of *Seminars in Speech and Language* (SSL) could not be better. In 2003, every healthcare professional in the United States was affected by the Health Insurance Portability and Accountability Act (HIPAA), which put patients' privacy rights in the forefront of our consciousness and medical practices. In fact, all adults who saw doctors and dentists and who purchased prescriptions were asked to sign HIPAA forms that spelled out the ways that their healthcare information would be used. They could refuse to sign these forms, thereby disallowing the sharing of their medical information. At the same time, all healthcare professionals had to take (and pass) courses pertaining to HIPAA regulations. Researchers had to take HIPAA-related courses as well as courses on the ethical, moral, and legal rules for conducting research with human subjects. Not surprisingly, colleges and universities have had to address these issues in their clinical training programs, often by cobbling together the necessary information from several sources. I think that this issue of SSL will fill the need for a single source of information relevant for speech and language pathologists.

Probably most of us have experienced or observed some instance of unethical, immoral, or even illegal practices in our field. Many of us can tell personal "war" stories of injustices relating to issues such as authorship of intellectual properties, favoritism, misuse of patient information, and questionable medical practices. In the 1960s, when I first trained and began my career in communication disorders, professors

and doctors were fully in charge and unchallengeable. Terms such as "sexual harassment," "whistle-blowing," "living will," and "healthcare proxy" did not exist, although the situations that later gave rise to these terms certainly did exist. Patients did not have automatic access to their own medical records and were usually afraid to ask to see them. At the same time, patient records were often kept in unlocked files where they were easily accessible to office and janitorial staff. Doctors and other clinicians made unilateral decisions regarding patients' health care. Some patients were entered into research protocols without full knowledge of what the research entailed or of their right to refuse entry. Furthermore, there was often little attempt to disguise their identity in published reports. New researchers experienced injustices relating to authorship when working with more experienced and powerful colleagues. The list goes on, but most of these and other ethic, moral, and legal problems have come under formal scrutiny during the last 40 years and are now being addressed through official documents, rules, regulations, and training courses. The one exception may be the continued vulnerability of new researchers to unfair decisions of their more experienced collaborators regarding authorship of published papers.

The decision to dedicate an issue of SSL to ethical, moral, and legal practices was made in an annual meeting of our editorial board. Immediately, we all agreed that Jennifer Horner would be the best person to serve Guest Editor of such an issue. Dr. Horner already had a Ph.D. in Communication Disorders, and wide expe-

rience as a clinician, professor, and researcher, when she decided to enter law school where she took a special interest in morality, ethics, and the law. Thus, Dr. Horner is both a speech and language pathologist and a lawyer with specialized knowledge in the topics we wished to be addressed here. This knowledge allowed her to choose the papers and authors for this issue with ease and ably to edit the content of those pa-

pers, but it was her extraordinary organizational and writing skills that made her an exemplary Guest Editor. I thank her and the other contributing authors who have provided us with very readable information of the utmost and timely importance.

Nancy Helm-Estabrooks, Sc.D.
*Co-Editor in Chief*¹